



Rep. Gary Hannig

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LRB094 09182 JAM 50221 a

1 AMENDMENT TO SENATE BILL 1879

2 AMENDMENT NO. _____. Amend Senate Bill 1879 by replacing
3 everything after the enacting clause with the following:

4 "Section 3. The Illinois Governmental Ethics Act is amended
5 by changing Sections 4A-101, 4A-102, 4A-106, and 4A-107 as
6 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 for
12 nomination or election to the General Assembly.

13 (b) Persons holding an elected office in the Executive
14 Branch of this State, and candidates for nomination or
15 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 to
20 confirmation by the Senate.

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

1 (f) Persons who are employed by any branch, agency,
2 authority or board of the government of this State,
3 including but not limited to, the Illinois State Toll
4 Highway Authority, the Illinois Housing Development
5 Authority, the Illinois Community College Board, and
6 institutions under the jurisdiction of the Board of
7 Trustees of the University of Illinois, Board of Trustees
8 of Southern Illinois University, Board of Trustees of
9 Chicago State University, Board of Trustees of Eastern
10 Illinois University, Board of Trustees of Governor's State
11 University, Board of Trustees of Illinois State
12 University, Board of Trustees of Northeastern Illinois
13 University, Board of Trustees of Northern Illinois
14 University, Board of Trustees of Western Illinois
15 University, or Board of Trustees of the Illinois
16 Mathematics and Science Academy, and are compensated for
17 services as employees and not as independent contractors
18 and who:

19 (1) are, or function as, the head of a department,
20 commission, board, division, bureau, authority or
21 other administrative unit within the government of
22 this State, or who exercise similar authority within
23 the government of this State;

24 (2) have direct supervisory authority over, or
25 direct responsibility for the formulation,
26 negotiation, issuance or execution of contracts
27 entered into by the State in the amount of \$5,000 or
28 more;

29 (3) have authority for the issuance or
30 promulgation of rules and regulations within areas
31 under the authority of the State;

32 (4) have authority for the approval of
33 professional licenses;

34 (5) have responsibility with respect to the

1 financial inspection of regulated nongovernmental
2 entities;

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

8 (7) have supervisory responsibility for 20 or more
9 employees of the State; or

10 (8) negotiate, assign, authorize, or grant naming
11 rights or sponsorship rights regarding any property or
12 asset of the State, whether real, personal, tangible,
13 or intangible.

14 (g) Persons who are elected to office in a unit of
15 local government, and candidates for nomination or
16 election to that office, including regional
17 superintendents of school districts.

18 (h) Persons appointed to the governing board of a unit
19 of local government, or of a special district, and persons
20 appointed to a zoning board, or zoning board of appeals, or
21 to a regional, county, or municipal plan commission, or to
22 a board of review of any county, and persons appointed to
23 the Board of the Metropolitan Pier and Exposition Authority
24 and any Trustee appointed under Section 22 of the
25 Metropolitan Pier and Exposition Authority Act, and
26 persons appointed to a board or commission of a unit of
27 local government who have authority to authorize the
28 expenditure of public funds. This subsection does not apply
29 to members of boards or commissions who function in an
30 advisory capacity.

31 (i) Persons who are employed by a unit of local
32 government and are compensated for services as employees
33 and not as independent contractors and who:

34 (1) are, or function as, the head of a department,

1 division, bureau, authority or other administrative
2 unit within the unit of local government, or who
3 exercise similar authority within the unit of local
4 government;

5 (2) have direct supervisory authority over, or
6 direct responsibility for the formulation,
7 negotiation, issuance or execution of contracts
8 entered into by the unit of local government in the
9 amount of \$1,000 or greater;

10 (3) have authority to approve licenses and permits
11 by the unit of local government; this item does not
12 include employees who function in a ministerial
13 capacity;

14 (4) adjudicate, arbitrate, or decide any judicial
15 or administrative proceeding, or review the
16 adjudication, arbitration or decision of any judicial
17 or administrative proceeding within the authority of
18 the unit of local government;

19 (5) have authority to issue or promulgate rules and
20 regulations within areas under the authority of the
21 unit of local government; or

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

24 (j) Persons on the Board of Trustees of the Illinois
25 Mathematics and Science Academy.

26 (k) Persons employed by a school district in positions
27 that require that person to hold an administrative or a
28 chief school business official endorsement.

29 (l) Special government agents. A "special government
30 agent" is a person who is directed, retained, designated,
31 appointed, or employed, with or without compensation, by or
32 on behalf of a statewide executive branch constitutional
33 officer to make an ex parte communication under Section
34 5-50 of the State Officials and Employees Ethics Act or

1 Section 5-165 of the Illinois Administrative Procedure
2 Act.

3 (m) Members of the board of any pension fund or
4 retirement system established under Article 2, 14, 15, 16,
5 or 18 of the Illinois Pension Code and members of the
6 Illinois State Board of Investment, if not required to file
7 under any other provision of this Section.

8 (n) Members of the board of any pension fund or
9 retirement system established under Article 3, 4, 5, 6, 7,
10 8, 9, 10, 11, 12, 13, 17, 19, or 22 of the Illinois Pension
11 Code, if not required to file under any other provision of
12 this Section.

13 This Section shall not be construed to prevent any unit of
14 local government from enacting financial disclosure
15 requirements that mandate more information than required by
16 this Act.

17 (Source: P.A. 93-617, eff. 12-9-03; 93-816, eff. 7-27-04.)

18 (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

19 Sec. 4A-102. The statement of economic interests required
20 by this Article shall include the economic interests of the
21 person making the statement as provided in this Section. The
22 interest (if constructively controlled by the person making the
23 statement) of a spouse or any other party, shall be considered
24 to be the same as the interest of the person making the
25 statement. Campaign receipts shall not be included in this
26 statement.

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

29 (1) The name, address and type of practice of any
30 professional organization or individual professional
31 practice in which the person making the statement was an
32 officer, director, associate, partner or proprietor, or
33 served in any advisory capacity, from which income in

1 excess of \$1200 was derived during the preceding calendar
2 year;

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

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

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

19 (5) The name of any entity from which a gift or gifts,
20 or honorarium or honoraria, valued singly or in the
21 aggregate in excess of \$500, was received during the
22 preceding calendar year.

23 (b) The following interests shall also be listed by persons
24 listed in items (a) through (f), ~~and~~ item (l), and item (m) of
25 Section 4A-101:

26 (1) The name and instrument of ownership in any entity
27 doing business in the State of Illinois, in which an
28 ownership interest held by the person at the date of filing
29 is in excess of \$5,000 fair market value or from which
30 dividends of in excess of \$1,200 were derived during the
31 preceding calendar year. (In the case of real estate,
32 location thereof shall be listed by street address, or if
33 none, then by legal description). No time or demand deposit
34 in a financial institution, nor any debt instrument need be

1 listed;

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

8 (3) The identity of any compensated lobbyist with whom
9 the person making the statement maintains a close economic
10 association, including the name of the lobbyist and
11 specifying the legislative matter or matters which are the
12 object of the lobbying activity, and describing the general
13 type of economic activity of the client or principal on
14 whose behalf that person is lobbying.

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

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

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

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

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

12 (5 ILCS 420/4A-106) (from Ch. 127, par. 604A-106)

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

1 government with persons described in items (h), (i), ~~and~~ (k),
2 and (n) of Section 4A-101 shall certify to the appropriate
3 county clerk a list of names and addresses of persons described
4 in items (h), (i), ~~and~~ (k), and (n) of Section 4A-101 that are
5 required to file. In preparing the lists, each chief
6 administrative officer, or his or her designee, shall set out
7 the names in alphabetical order.

8 On or before April 1 annually, the Secretary of State shall
9 notify (1) all persons whose names have been certified to him
10 under items (f), ~~and~~ (l), and (m) of Section 4A-101, and (2)
11 all persons described in items (a) through (e) and item (j) of
12 Section 4A-101, other than candidates for office who have filed
13 their statements with their nominating petitions, of the
14 requirements for filing statements of economic interests. A
15 person required to file with the Secretary of State by virtue
16 of more than one item among items (a) through (f) and items
17 (j), ~~and~~ (l), and (m) shall be notified of and is required to
18 file only one statement of economic interests relating to all
19 items under which the person is required to file with the
20 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 certified
23 to him under items (g), (h), (i), ~~and~~ (k), and (n) of Section
24 4A-101, other than candidates for office who have filed their
25 statements with their nominating petitions, of the
26 requirements for filing statements of economic interests. A
27 person required to file with a county clerk by virtue of more
28 than one item among items (g), (h), (i), ~~and~~ (k), and (n) shall
29 be notified of and is required to file only one statement of
30 economic interests relating to all items under which the person
31 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 deposited
34 in the U.S. Mail, properly addressed, first class postage

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

5 From the lists certified to him under this Section of
6 persons described in items (g), (h), (i), ~~and (k)~~, and (n) of
7 Section 4A-101, the clerk of each county shall compile an
8 alphabetical listing of persons required to file statements of
9 economic interests in his office under any of those items. As
10 the statements are filed in his office, the county clerk shall
11 cause the fact of that filing to be indicated on the
12 alphabetical listing of persons who are required to file
13 statements. Within 30 days after the due dates, the county
14 clerk shall mail to the State Board of Elections a true copy of
15 that listing showing those who have filed statements.

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

23 Any person who files or has filed a statement of economic
24 interest under this Act is entitled to receive from the
25 Secretary of State or county clerk, as the case may be, a
26 receipt indicating that the person has filed such a statement,
27 the date of such filing, and the identity of the governmental
28 unit or units in relation to which the filing is required.

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

33 All statements of economic interests filed under this
34 Section shall be available for examination and copying by the

1 public at all reasonable times. Not later than 12 months after
2 the effective date of this amendatory Act of the 93rd General
3 Assembly, beginning with statements filed in calendar year
4 2004, the Secretary of State shall make statements of economic
5 interests filed with the Secretary available for inspection and
6 copying via the Secretary's website.

7 (Source: P.A. 93-617, eff. 12-9-03; 94-603, eff. 8-16-05.)

8 (5 ILCS 420/4A-107) (from Ch. 127, par. 604A-107)

9 Sec. 4A-107. Any person required to file a statement of
10 economic interests under this Article who willfully files a
11 false or incomplete statement shall be guilty of a Class A
12 misdemeanor.

13 Failure to file a statement within the time prescribed
14 shall result in ineligibility for, or forfeiture of, office or
15 position of employment, as the case may be; provided, however,
16 that if the notice of failure to file a statement of economic
17 interests provided in Section 4A-105 of this Act is not given
18 by the Secretary of State or the county clerk, as the case may
19 be, no forfeiture shall result if a statement is filed within
20 30 days of actual notice of the failure to file.

21 The Attorney General, with respect to offices or positions
22 described in items (a) through (f) and items (j), ~~and~~ (l), and
23 (m) of Section 4A-101 of this Act, or the State's Attorney of
24 the county of the entity for which the filing of statements of
25 economic interests is required, with respect to offices or
26 positions described in items (g) through (i), ~~and~~ item (k), and
27 item (n) of Section 4A-101 of this Act, shall bring an action
28 in quo warranto against any person who has failed to file by
29 either May 31 or June 30 of any given year.

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

31 Section 5. The State Officials and Employees Ethics Act is
32 amended by changing Sections 1-5, 5-10, 5-15, 5-20, 5-45,

1 10-15, 20-5, 20-23, 20-40, 25-5, 25-10, and 25-23 and by adding
2 Section 10-15.5 as follows:

3 (5 ILCS 430/1-5)

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

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

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

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

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

28 "Commission" means an ethics commission created by this
29 Act.

30 "Compensated time" means any time worked by or credited to
31 a State employee that counts toward any minimum work time
32 requirement imposed as a condition of employment with a State
33 agency, but does not include any designated State holidays or

1 any period when the employee is on a leave of absence.

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

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

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

16 "Executive branch constitutional officer" means the
17 Governor, Lieutenant Governor, Attorney General, Secretary of
18 State, Comptroller, and Treasurer.

19 "Gift" means any gratuity, discount, entertainment,
20 hospitality, loan, forbearance, or other tangible or
21 intangible item having monetary value including, but not
22 limited to, cash, food and drink, and honoraria for speaking
23 engagements related to or attributable to government
24 employment or the official position of an employee, member, or
25 officer. "Gift", however, does not include anything of value
26 solicited from a prohibited source by an officer, member, or
27 employee and given by the prohibited source to a not-for-profit
28 organization organized under Section 501(c)(3) of the Internal
29 Revenue Code of 1986, as now or hereafter amended, renumbered,
30 or succeeded. The amendment to the definition of "gift" made by
31 this amendatory Act of the 94th General Assembly is declarative
32 of existing law.

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

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

6 "Legislative branch constitutional officer" means a member
7 of the General Assembly and the Auditor General.

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

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

12 "Officer" means an executive branch constitutional officer
13 or a legislative branch constitutional officer.

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

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

30 "Prohibited political activity" means:

31 (1) Preparing for, organizing, or participating in any
32 political meeting, political rally, political
33 demonstration, or other political event.

34 (2) Soliciting contributions, including but not

1 limited to the purchase of, selling, distributing, or
2 receiving payment for tickets for any political
3 fundraiser, political meeting, or other political event.

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

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

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

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

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

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

28 (9) Making contributions on behalf of any candidate for
29 elective office in that capacity or in connection with a
30 campaign for elective office.

31 (10) Preparing or reviewing responses to candidate
32 questionnaires in connection with a campaign for elective
33 office or on behalf of a political organization for
34 political purposes.

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

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

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

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

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

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

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

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

25 (3) conducts activities regulated (i) by the member or
26 officer or (ii) in the case of an employee, by the employee
27 or by the member, officer, State agency, or other employee
28 directing the employee;

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

32 (5) is registered or required to be registered with the
33 Secretary of State under the Lobbyist Registration Act,
34 except that an entity not otherwise a prohibited source

1 does not become a prohibited source merely because a
2 registered lobbyist is one of its members or serves on its
3 board of directors.

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

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

24 "Ultimate jurisdictional authority" means the following:

25 (1) For members, legislative partisan staff, and
26 legislative secretaries, the appropriate legislative
27 leader: President of the Senate, Minority Leader of the
28 Senate, Speaker of the House of Representatives, or
29 Minority Leader of the House of Representatives.

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

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

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

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

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

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

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

16 (8) For State employees not under the jurisdiction of
17 paragraph (1), (2), (3), (4), (5), (6), ~~or~~ (7), or (9), the
18 Governor.

19 (9) For the Legislative Inspector General, State
20 employees of the Office of the Legislative Inspector
21 General, commissioners of the Legislative Ethics
22 Commission, and State employees of the Legislative Ethics
23 Commission, the Legislative Ethics Commission.

24 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03;
25 93-685, eff. 7-8-04.)

26 (5 ILCS 430/5-10)

27 Sec. 5-10. Ethics training. Each officer, member, and
28 employee must complete, at least annually beginning in 2004, an
29 ethics training program conducted by the appropriate State
30 agency. Each ultimate jurisdictional authority must implement
31 an ethics training program for its officers, members, and
32 employees. ~~These ethics training programs shall be overseen by~~
33 ~~the appropriate Ethics Commission and Inspector General~~

1 ~~appointed pursuant to this Act in consultation with the Office~~
2 ~~of the Attorney General.~~

3 Each Executive Inspector General and each ultimate
4 jurisdictional authority for the legislative branch shall set
5 standards and determine the hours and frequency of training
6 necessary for each position or category of positions. A person
7 who fills a vacancy in an elective or appointed position that
8 requires training and a person employed in a position that
9 requires training must complete his or her initial ethics
10 training within 6 months after commencement of his or her
11 office or employment.

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

13 (5 ILCS 430/5-15)

14 Sec. 5-15. Prohibited political activities.

15 (a) State employees shall not intentionally perform any
16 prohibited political activity during any compensated time
17 (other than vacation, personal, or compensatory time off).
18 State employees shall not intentionally misappropriate any
19 State property or resources by engaging in any prohibited
20 political activity for the benefit of any campaign for elective
21 office or any political organization. The mere presence on
22 State property or an incidental use of State property or
23 resources does not necessarily amount to a misappropriation for
24 purposes of this Section. The amendment to this subsection by
25 this amendatory Act of the 94th General Assembly is declarative
26 of existing law.

27 (b) At no time shall any executive or legislative branch
28 constitutional officer or any official, director, supervisor,
29 or State employee intentionally misappropriate the services of
30 any State employee by requiring that State employee to perform
31 any prohibited political activity (i) as part of that
32 employee's State duties, (ii) as a condition of State
33 employment, or (iii) during any time off that is compensated by

1 the State (such as vacation, personal, or compensatory time
2 off).

3 (c) A State employee shall not be required at any time to
4 participate in any prohibited political activity in
5 consideration for that State employee being awarded any
6 additional compensation or employee benefit, in the form of a
7 salary adjustment, bonus, compensatory time off, continued
8 employment, or otherwise.

9 (d) A State employee shall not be awarded any additional
10 compensation or employee benefit, in the form of a salary
11 adjustment, bonus, compensatory time off, continued
12 employment, or otherwise, in consideration for the State
13 employee's participation in any prohibited political activity.

14 (e) Nothing in this Section prohibits activities that are
15 otherwise appropriate for a State employee to engage in as a
16 part of his or her official State employment duties or
17 activities that are undertaken by a State employee on a
18 voluntary basis as permitted by law.

19 (f) No person either (i) in a position that is subject to
20 recognized merit principles of public employment or (ii) in a
21 position the salary for which is paid in whole or in part by
22 federal funds and that is subject to the Federal Standards for
23 a Merit System of Personnel Administration applicable to
24 grant-in-aid programs, shall be denied or deprived of State
25 employment or tenure solely because he or she is a member or an
26 officer of a political committee, of a political party, or of a
27 political organization or club.

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

29 (5 ILCS 430/5-20)

30 Sec. 5-20. Public service announcements; other promotional
31 material.

32 (a) ~~No Beginning January 1, 2004, no~~ public service
33 announcement or advertisement that identifies any specific

1 program administered by a State agency ~~is on behalf of any~~
2 ~~State administered program~~ and contains the proper name, image,
3 or voice of any executive branch constitutional officer or
4 member of the General Assembly shall be broadcast or aired on
5 radio or television or printed in a commercial newspaper or a
6 commercial magazine at any time.

7 (b) The proper name or image of any executive branch
8 constitutional officer or member of the General Assembly may
9 not appear on any (i) bumper stickers, (ii) commercial
10 billboards, (iii) lapel pins or buttons, (iv) magnets, (v)
11 stickers, and (vi) other similar promotional items, that are
12 not in furtherance of the person's official State duties or
13 governmental and public service functions, if designed, paid
14 for, prepared, or distributed using public dollars. This
15 subsection does not apply to stocks of items existing on the
16 effective date of this amendatory Act of the 93rd General
17 Assembly.

18 (c) This Section does not apply to communications funded
19 through expenditures required to be reported under Article 9 of
20 the Election Code.

21 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03;
22 93-685, eff. 7-8-04.)

23 (5 ILCS 430/5-45)

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

25 (a) No current or former officer, member, or State
26 employee, or spouse or immediate family member living with such
27 person, shall, during the period of State employment or within
28 a period of one year immediately after termination of State
29 employment, knowingly accept employment or receive
30 compensation or fees for services from a person or entity if
31 the officer, member, or State employee, during the immediately
32 preceding 2 years of State employment with respect to a current
33 officer, member, or State employee, or during the year

1 immediately preceding termination of State employment with
2 respect to a former officer, member, or State employee,
3 participated personally and substantially in the decision to
4 award State contracts with a cumulative value of over \$25,000
5 to the person or entity, or its parent or subsidiary.

6 (b) No current or former officer of the executive branch or
7 State employee of the executive branch with regulatory or
8 licensing authority, or spouse or immediate family member
9 living with such person, shall, during the period of State
10 employment or within a period of one year immediately after
11 termination of State employment, knowingly accept employment
12 or receive compensation of fees for services from a person or
13 entity if the officer or State employee, during the immediately
14 preceding 2 years of State employment with respect to a current
15 officer, member, or State employee, or during the year
16 immediately preceding termination of State employment with
17 respect to a former officer, member, or State employee, made a
18 regulatory or licensing decision that directly applied to the
19 person or entity, or its parent or subsidiary.

20 (c) The requirements of this Section may be waived (i) for
21 the executive branch, in writing by the Executive Ethics
22 Commission, (ii) for the legislative branch, in writing by the
23 Legislative Ethics Commission, and (iii) for the Auditor
24 General, in writing by the Auditor General. During the time
25 period from the effective date of this amendatory Act of the
26 93rd General Assembly until the Executive Ethics Commission
27 first meets, the requirements of this Section may be waived in
28 writing by the appropriate ultimate jurisdictional authority.
29 During the time period from the effective date of this
30 amendatory Act of the 93rd General Assembly until the
31 Legislative Ethics Commission first meets, the requirements of
32 this Section may be waived in writing by the appropriate
33 ultimate jurisdictional authority. The waiver shall be granted
34 upon the person seeking the waiver proving by clear and

1 convincing evidence ~~a showing~~ that the prospective employment
2 or relationship did not affect the decisions referred to in
3 sections (a) and (b).

4 (d) With respect to former officers, members, State
5 employees, spouses, and family members, this ~~This~~ Section
6 applies only with respect to persons who terminate an affected
7 position on or after December 19, 2003 (the effective date of
8 Public ~~this amendatory~~ Act 93-617) ~~of the 93rd General~~
9 ~~Assembly~~.

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

11 (5 ILCS 430/10-15)

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

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

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

18 (3) Any (i) contribution that is lawfully made under
19 the Election Code or under this Act or (ii) activities
20 associated with a fundraising event in support of a
21 political organization or candidate.

22 (4) Educational materials and missions. Subject to
23 Section 10-15.5, this ~~This~~ exception may be further defined
24 by rules adopted by the appropriate ethics commission or by
25 the Auditor General for the Auditor General and employees
26 of the Office of the Auditor General.

27 (5) Travel expenses for a meeting or an educational
28 activity to discuss matters related to State interests
29 ~~business~~. Subject to Section 10-15.5, this ~~This~~ exception
30 may be further defined by rules adopted by the appropriate
31 ethics commission or by the Auditor General for the Auditor
32 General and employees of the Office of the Auditor General.

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

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

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

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

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

25 (ii) whether to the actual knowledge of the member,
26 officer, or employee the individual who gave the gift
27 personally paid for the gift or sought a tax deduction
28 or business reimbursement for the gift; and

29 (iii) whether to the actual knowledge of the
30 member, officer, or employee the individual who gave
31 the gift also at the same time gave the same or similar
32 gifts to other members, officers, or employees.

33 (8) Food or refreshments not exceeding \$75 per person
34 in value on a single calendar day; provided that the food

1 or refreshments are (i) consumed on the premises from which
2 they were purchased or prepared or (ii) catered. For the
3 purposes of this Section, "catered" means food or
4 refreshments that are purchased ready to eat and delivered
5 by any means.

6 (9) Food, refreshments, lodging, transportation, and
7 other benefits resulting from the outside business or
8 employment activities (or outside activities that are not
9 connected to the duties of the officer, member, or employee
10 as an office holder or employee) of the officer, member, or
11 employee, or the spouse of the officer, member, or
12 employee, if the benefits have not been offered or enhanced
13 because of the official position or employment of the
14 officer, member, or employee, and are customarily provided
15 to others in similar circumstances.

16 (10) Intra-governmental and inter-governmental gifts.
17 For the purpose of this Act, "intra-governmental gift"
18 means any gift given to a member, officer, or employee of a
19 State agency from another member, officer, or employee of
20 the same State agency; and "inter-governmental gift" means
21 any gift given to a member, officer, or employee of a State
22 agency, by a member, officer, or employee of another State
23 agency, of a federal agency, or of any governmental entity.

24 (11) Bequests, inheritances, and other transfers at
25 death.

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

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

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

32 (5 ILCS 430/10-15.5 new)

33 Sec. 10-15.5. Educational mission; travel expenses for a

1 meeting or educational activity to discuss matters related to
2 State interests.

3 (a) This Section further defines items (4) and (5) of
4 Section 10-15 when a prohibited source provides educational
5 missions or travel expenses for a meeting or educational
6 activity to discuss matters related to State interests and
7 applies to travel on and after the effective date of this
8 amendatory Act of the 94th General Assembly.

9 (b) Travel in connection with an educational mission or for
10 a meeting or educational activity to discuss matters related to
11 State interests is subject to the following conditions:

12 (1) it must be in furtherance of the recipient
13 officer's or employee's State duties, responsibilities, or
14 employment;

15 (2) it must bear a significant connection to the
16 interests of the prohibited source;

17 (3) the destination (i) must bear a close relationship
18 to the educational purposes of the travel or to the State
19 interests to be discussed or (ii) must be reasonable under
20 the circumstances;

21 (4) the length of time at the destination for the
22 mission or meeting that is paid for by the prohibited
23 source must be reasonable under the circumstances;

24 (5) the officer or employee must devote a significant
25 amount of time while at the destination to the educational
26 activities or matters relating to State interests; and

27 (6) the travel expenses must be reasonable under the
28 circumstances; if the travel expenses do not substantially
29 exceed the amounts that would be authorized for State
30 reimbursement by the relevant Travel Control Board, they
31 are deemed reasonable.

32 (c) The following categories of expenses qualify under the
33 exceptions to the Gift Ban in items (4) and (5) of Section
34 10-15: travel to, at, and from the destination; lodging en

1 route to, at, and from the destination; and tours,
2 demonstrations, presentations, and meetings. The following
3 categories of expenses, without limitation, do not fall under
4 the exceptions to the Gift Ban in items (4) and (5) of Section
5 10-15, but may qualify as exceptions under other applicable
6 provisions of Section 10-15: food; refreshments;
7 entertainment; recreation; prizes; awards; and souvenirs.

8 (d) Qualified expenses under the exceptions to the Gift Ban
9 in items (4) and (5) of Section 10-15 include those for the
10 officer or employee. If the officer or employee is accompanied
11 by his or her spouse or immediate family member living with the
12 officer or employee and that spouse or family member either (i)
13 is not a State official or employee or (ii) is a State official
14 or employee but is not traveling in that capacity, any
15 additional expenses for the spouse or family member qualify (i)
16 under the exceptions to the Gift Ban in items (4) and (5) of
17 Section 10-15 only if, because of legitimate dependent care
18 obligations, the officer or employee would not be able to
19 attend unless accompanied by the spouse or family member or
20 (ii) to the extent that other applicable exceptions under
21 Section 10-15 apply. If the spouse or family member is a State
22 official or employee and is traveling in that capacity, then
23 this Section applies independently to that spouse or family
24 member.

25 (e) More than one prohibited source may contribute to
26 qualified expenses so long as the other requirements of this
27 Section are met.

28 (f) The officer or employee or a non-prohibited source must
29 pay all non-qualified expenses that do not otherwise fall under
30 an exception to the Gift Ban.

31 (5 ILCS 430/20-5)

32 Sec. 20-5. Executive Ethics Commission.

33 (a) The Executive Ethics Commission is created.

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

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

28 After the initial terms, commissioners shall serve for
29 4-year terms commencing on July 1 of the year of appointment
30 and running through June 30 of the fourth following year.
31 Commissioners may be reappointed to one or more subsequent
32 terms.

33 Vacancies occurring other than at the end of a term shall
34 be filled by the appointing authority only for the balance of

1 the term of the commissioner whose office is vacant.

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

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

14 (d) The Executive Ethics Commission shall have
15 jurisdiction over all officers and employees of State agencies
16 other than the General Assembly, the Senate, the House of
17 Representatives, the President and Minority Leader of the
18 Senate, the Speaker and Minority Leader of the House of
19 Representatives, the Senate Operations Commission, the
20 legislative support services agencies, the Legislative Ethics
21 Commission, the Office of the Legislative Inspector General,
22 and the Office of the Auditor General. The jurisdiction of the
23 Commission is limited to matters arising under this Act.

24 (e) The Executive Ethics Commission must meet, either in
25 person or by other technological means, at least monthly and as
26 often as necessary. At the first meeting of the Executive
27 Ethics Commission, the commissioners shall choose from their
28 number a chairperson and other officers that they deem
29 appropriate. The terms of officers shall be for 2 years
30 commencing July 1 and running through June 30 of the second
31 following year. Meetings shall be held at the call of the
32 chairperson or any 3 commissioners. Official action by the
33 Commission shall require the affirmative vote of 5
34 commissioners, and a quorum shall consist of 5 commissioners.

1 Commissioners shall receive compensation in an amount equal to
2 the compensation of members of the State Board of Elections and
3 may be reimbursed for their reasonable expenses actually
4 incurred in the performance of their duties.

5 (f) No commissioner or employee of the Executive Ethics
6 Commission may during his or her term of appointment or
7 employment:

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

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

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

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

17 (g) An appointing authority may remove a commissioner only
18 for cause.

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

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

26 (5 ILCS 430/20-23)

27 Sec. 20-23. Ethics Officers. Each officer and the head of
28 each State agency under the jurisdiction of the Executive
29 Ethics Commission, including without limitation the Executive
30 Ethics Commission and each Executive Inspector General, shall
31 designate an Ethics Officer for the office or State agency.
32 Ethics Officers shall:

33 (1) act as liaisons between the State agency and the

1 appropriate Executive Inspector General and between the
2 State agency and the Executive Ethics Commission;

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 Secretary
6 of State; and

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

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

15 (5 ILCS 430/20-40)

16 Sec. 20-40. Collective bargaining agreements. Any
17 investigation or inquiry by an Executive Inspector General or
18 any agent or representative of an Executive Inspector General
19 must be conducted with awareness of the provisions of a
20 collective bargaining agreement that applies to the employees
21 of the relevant State agency and with an awareness of the
22 rights of the employees as set forth by State and federal law
23 and applicable judicial decisions. In implementing any ~~Any~~
24 recommendation for discipline or in taking any action ~~taken~~
25 against any State employee pursuant to this Act, the ultimate
26 jurisdictional authority must comply with the provisions of the
27 collective bargaining agreement that applies to the State
28 employee.

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

30 (5 ILCS 430/25-5)

31 Sec. 25-5. Legislative Ethics Commission.

32 (a) The Legislative Ethics Commission is created.

1 (b) The Legislative Ethics Commission shall consist of 8
2 commissioners appointed 2 each by the President and Minority
3 Leader of the Senate and the Speaker and Minority Leader of the
4 House of Representatives.

5 The terms of the initial commissioners shall commence upon
6 qualification. Each appointing authority shall designate one
7 appointee who shall serve for a 2-year term running through
8 June 30, 2005. Each appointing authority shall designate one
9 appointee who shall serve for a 4-year term running through
10 June 30, 2007. The initial appointments shall be made within 60
11 days after the effective date of this Act.

12 After the initial terms, commissioners shall serve for
13 4-year terms commencing on July 1 of the year of appointment
14 and running through June 30 of the fourth following year.
15 Commissioners may be reappointed to one or more subsequent
16 terms.

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

20 Terms shall run regardless of whether the position is
21 filled.

22 (c) The appointing authorities shall appoint commissioners
23 who have experience holding governmental office or employment
24 and may appoint commissioners who are members of the General
25 Assembly as well as commissioners from the general public. A
26 commissioner who is a member of the General Assembly must
27 recuse himself or herself from participating in any matter
28 relating to any investigation or proceeding in which he or she
29 is the subject. A person is not eligible to serve as a
30 commissioner if that person (i) has been convicted of a felony
31 or a crime of dishonesty or moral turpitude, (ii) is, or was
32 within the preceding 12 months, engaged in activities that
33 require registration under the Lobbyist Registration Act,
34 (iii) is a relative of the appointing authority, or (iv) is a

1 State officer or employee other than a member of the General
2 Assembly.

3 (d) The Legislative Ethics Commission shall have
4 jurisdiction over members of the General Assembly and all State
5 employees whose ultimate jurisdictional authority is (i) a
6 legislative leader, (ii) the Senate Operations Commission, ~~or~~
7 (iii) the Joint Committee on Legislative Support Services, or
8 (iv) the Legislative Ethics Commission. The jurisdiction of the
9 Commission is limited to matters arising under this Act.

10 (e) The Legislative Ethics Commission must meet, either in
11 person or by other technological means, monthly or as often as
12 necessary. At the first meeting of the Legislative Ethics
13 Commission, the commissioners shall choose from their number a
14 chairperson and other officers that they deem appropriate. The
15 terms of officers shall be for 2 years commencing July 1 and
16 running through June 30 of the second following year. Meetings
17 shall be held at the call of the chairperson or any 3
18 commissioners. Official action by the Commission shall require
19 the affirmative vote of 5 commissioners, and a quorum shall
20 consist of 5 commissioners. Commissioners shall receive no
21 compensation but may be reimbursed for their reasonable
22 expenses actually incurred in the performance of their duties.

23 (f) No commissioner, other than a commissioner who is a
24 member of the General Assembly, or employee of the Legislative
25 Ethics Commission may during his or her term of appointment or
26 employment:

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

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

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

34 (4) actively participate in any campaign for any

1 elective office.

2 (g) An appointing authority may remove a commissioner only
3 for cause.

4 (h) The Legislative Ethics Commission shall appoint an
5 Executive Director subject to the approval of at least 3 of the
6 4 legislative leaders. The compensation of the Executive
7 Director shall be as determined by the Commission or by the
8 Compensation Review Board, whichever amount is higher. The
9 Executive Director of the Legislative Ethics Commission may
10 employ, subject to the approval of at least 3 of the 4
11 legislative leaders, and determine the compensation of staff,
12 as appropriations permit.

13 (Source: P.A. 93-617, eff. 12-9-03; 93-685, eff. 7-8-04.)

14 (5 ILCS 430/25-10)

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

16 (a) The independent Office of the Legislative Inspector
17 General is created. The Office shall be under the direction and
18 supervision of the Legislative Inspector General and shall be a
19 fully independent office with its own appropriation.

20 (b) The Legislative Inspector General shall be appointed
21 without regard to political affiliation and solely on the basis
22 of integrity and demonstrated ability. The Legislative Ethics
23 Commission shall diligently search out qualified candidates
24 for Legislative Inspector General and shall make
25 recommendations to the General Assembly.

26 The Legislative Inspector General shall be appointed by a
27 joint resolution of the Senate and the House of
28 Representatives, which may specify the date on which the
29 appointment takes effect. A joint resolution, or other document
30 as may be specified by the Joint Rules of the General Assembly,
31 appointing the Legislative Inspector General must be certified
32 by the Speaker of the House of Representatives and the
33 President of the Senate as having been adopted by the

1 affirmative vote of three-fifths of the members elected to each
2 house, respectively, and be filed with the Secretary of State.
3 The appointment of the Legislative Inspector General takes
4 effect on the day the appointment is completed by the General
5 Assembly, unless the appointment specifies a later date on
6 which it is to become effective.

7 The Legislative Inspector General shall have the following
8 qualifications:

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

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

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

21 The Legislative Inspector General may not be a relative of
22 a commissioner.

23 The term of the initial Legislative Inspector General shall
24 commence upon qualification and shall run through June 30,
25 2008.

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

31 A vacancy occurring other than at the end of a term shall
32 be filled in the same manner as an appointment only for the
33 balance of the term of the Legislative Inspector General whose
34 office is vacant.

1 Terms shall run regardless of whether the position is
2 filled.

3 (c) The Legislative Inspector General shall have
4 jurisdiction over the members of the General Assembly and all
5 State employees whose ultimate jurisdictional authority is (i)
6 a legislative leader, (ii) the Senate Operations Commission, ~~or~~
7 (iii) the Joint Committee on Legislative Support Services, or
8 (iv) the Legislative Ethics Commission.

9 The jurisdiction of each Legislative Inspector General is
10 to investigate allegations of fraud, waste, abuse,
11 mismanagement, misconduct, nonfeasance, misfeasance,
12 malfeasance, or violations of this Act or violations of other
13 related laws and rules.

14 (d) The compensation of the Legislative Inspector General
15 shall be the greater of an amount (i) determined by the
16 Commission or (ii) by joint resolution of the General Assembly
17 passed by a majority of members elected in each chamber.
18 Subject to Section 25-45 of this Act, the Legislative Inspector
19 General has full authority to organize the Office of the
20 Legislative Inspector General, including the employment and
21 determination of the compensation of staff, such as deputies,
22 assistants, and other employees, as appropriations permit.
23 Employment of staff is subject to the approval of at least 3 of
24 the 4 legislative leaders.

25 (e) No Legislative Inspector General or employee of the
26 Office of the Legislative 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 office
30 except for appointments on governmental advisory boards or
31 study commissions or as otherwise expressly authorized by
32 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 by
6 hiring in the ordinary course of business.

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

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

11 (2) hold any elected public office; or

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

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

16 (f) The Commission may remove the Legislative Inspector
17 General only for cause. At the time of the removal, the
18 Commission must report to the General Assembly the
19 justification for the removal.

20 (Source: P.A. 93-617, eff. 12-9-03; 93-685, eff. 7-8-04.)

21 (5 ILCS 430/25-23)

22 Sec. 25-23. Ethics Officers. The President and Minority
23 Leader of the Senate and the Speaker and Minority Leader of the
24 House of Representatives shall each appoint an ethics officer
25 for the members and employees of his or her legislative caucus.
26 The commissioners of the Legislative Ethics Commission shall
27 designate an ethics officer for the Legislative Ethics
28 Commission. The Legislative Inspector General shall designate
29 an ethics officer for the Office of the Legislative Inspector
30 General. No later than January 1, 2004, the head of each other
31 State agency under the jurisdiction of the Legislative Ethics
32 Commission, other than the General Assembly, shall designate an
33 ethics officer for the State agency. Ethics Officers shall:

1 (1) act as liaisons between the State agency and the
2 Legislative Inspector General and between the State agency
3 and the Legislative Ethics Commission;

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

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

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

16 Section 15. The Lobbyist Registration Act is amended by
17 changing Section 2 as follows:

18 (25 ILCS 170/2) (from Ch. 63, par. 172)

19 Sec. 2. Definitions. As used in this Act, unless the
20 context otherwise requires:

21 (a) "Person" means any individual, firm, partnership,
22 committee, association, corporation, or any other organization
23 or group of persons.

24 (b) "Expenditure" means a payment, distribution, loan,
25 advance, deposit, or gift of money or anything of value, and
26 includes a contract, promise, or agreement, whether or not
27 legally enforceable, to make an expenditure, for the ultimate
28 purpose of influencing executive, legislative, or
29 administrative action, other than compensation as defined in
30 subsection (d).

31 (c) "Official" means:

32 (1) the Governor, Lieutenant Governor, Secretary of

1 State, Attorney General, State Treasurer, and State
2 Comptroller;

3 (2) Chiefs of Staff for officials described in item
4 (1);

5 (3) Cabinet members of any elected constitutional
6 officer, including Directors, Assistant Directors and
7 Chief Legal Counsel or General Counsel;

8 (4) Members of the General Assembly.

9 (d) "Compensation" means any money, thing of value or
10 financial benefits received or to be received in return for
11 services rendered or to be rendered, for lobbying as defined in
12 subsection (e).

13 Monies paid to members of the General Assembly by the State
14 as remuneration for performance of their Constitutional and
15 statutory duties as members of the General Assembly shall not
16 constitute compensation as defined by this Act.

17 (e) "Lobbying" means any communication with (i) an official
18 of the executive or legislative branch of State government as
19 defined in subsection (c) or (ii) a State employee as defined
20 in this Section, for the ultimate purpose of influencing
21 executive, legislative, or administrative action.

22 (f) "Influencing" means any communication, action,
23 reportable expenditure as prescribed in Section 6 or other
24 means used to promote, support, affect, modify, oppose or delay
25 any executive, legislative or administrative action or to
26 promote goodwill with officials as defined in subsection (c).

27 (g) "Executive action" means the proposal, drafting,
28 development, consideration, amendment, adoption, approval,
29 promulgation, issuance, modification, rejection or
30 postponement by a State entity of a rule, regulation, order,
31 decision, determination, contractual arrangement, purchasing
32 agreement or other quasi-legislative or quasi-judicial action
33 or proceeding.

34 (h) "Legislative action" means the development, drafting,

1 introduction, consideration, modification, adoption,
2 rejection, review, enactment, or passage or defeat of any bill,
3 amendment, resolution, report, nomination, administrative rule
4 or other matter by either house of the General Assembly or a
5 committee thereof, or by a legislator. Legislative action also
6 means the action of the Governor in approving or vetoing any
7 bill or portion thereof, and the action of the Governor or any
8 agency in the development of a proposal for introduction in the
9 legislature.

10 (i) "Administrative action" means the execution or
11 rejection of any rule, regulation, legislative rule, standard,
12 fee, rate, contractual arrangement, purchasing agreement or
13 other delegated legislative or quasi-legislative action to be
14 taken or withheld by any executive agency, department, board or
15 commission of the State.

16 (j) "Lobbyist" means any person who undertakes to lobby
17 State government as provided in subsection (e).

18 (k) "State employee" is defined as that term is defined in
19 Section 1-5 of the State Officials and Employees Ethics Act.

20 (l) "Employee", with respect to a State employee, is
21 defined as that term is defined in Section 1-5 of the State
22 Officials and Employees Ethics Act.

23 (m) "State agency" is defined as that term is defined in
24 Section 1-5 of the State Officials and Employees Ethics Act.

25 (Source: P.A. 88-187.)

26 Section 25. The Illinois Procurement Code is amended by
27 changing Sections 1-15.15, 1-15.100, 15-25, 20-10, 20-30,
28 35-15, 35-20, 35-25, 35-30, 35-35, 35-40, 40-15, 40-25, 50-20,
29 50-30, and 53-10 and by adding Sections 20-43 and 50-37 as
30 follows:

31 (30 ILCS 500/1-15.15)

32 Sec. 1-15.15. Chief Procurement Officer. "Chief

1 Procurement Officer" means:

2 (1) for procurements for construction and
3 construction-related services committed by law to the
4 jurisdiction or responsibility of the Capital Development
5 Board, the executive director of the Capital Development Board.

6 (2) for procurements for all construction,
7 construction-related services, operation of any facility, and
8 the provision of any service or activity committed by law to
9 the jurisdiction or responsibility of the Illinois Department
10 of Transportation, including the direct or reimbursable
11 expenditure of all federal funds for which the Department of
12 Transportation is responsible or accountable for the use
13 thereof in accordance with federal law, regulation, or
14 procedure, the Secretary of Transportation.

15 (3) for all procurements made by a public institution of
16 higher education, (i) a representative designated by the
17 Governor for procurements made before July 1, 2006, and (ii)
18 for procurements made on or after July 1, 2006, an employee of
19 the Board of Higher Education designated by the Board of Higher
20 Education. The higher education chief procurement officer
21 designated by the Board of Higher Education shall not be a
22 trustee, officer, or employee of a public institution of higher
23 education.

24 (4) for all applicable procurements made by a pension fund
25 or retirement system created under Article 2, 14, 15, 16, or 18
26 of the Illinois Pension Code or an investment board created
27 under Article 22A of the Illinois Pension Code, a
28 representative designated by the board of trustees of that
29 pension fund or retirement system or by the Illinois State
30 Board of Investment, as the case may be, for a total of 6
31 pension chiefs of procurement.

32 (5) ~~(4)~~ for all other procurements, the Director of the
33 Department of Central Management Services.

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

1 (30 ILCS 500/1-15.100)

2 Sec. 1-15.100. State agency. "State agency" means and
3 includes all boards, commissions, agencies, institutions,
4 authorities, and bodies politic and corporate of the State,
5 created by or in accordance with the constitution or statute,
6 of the executive branch of State government and does include
7 colleges, universities, and institutions under the
8 jurisdiction of the governing boards of the University of
9 Illinois, Southern Illinois University, Illinois State
10 University, Eastern Illinois University, Northern Illinois
11 University, Western Illinois University, Chicago State
12 University, Governor State University, Northeastern Illinois
13 University, and the Board of Higher Education. However, this
14 term applies ~~does not apply~~ to public employee pension funds,
15 retirement systems, or investment boards that are subject to
16 fiduciary duties imposed by the Illinois Pension Code only to
17 the extent and for the purpose of procurements required under
18 Sections 1-113.5 and 22A-111 of the Illinois Pension Code to be
19 made in accordance with Article 35 of this Code. The term
20 "State agency" does not apply ~~or~~ to the University of Illinois
21 Foundation. "State agency" does not include units of local
22 government, school districts, community colleges under the
23 Public Community College Act, and the Illinois Comprehensive
24 Health Insurance Board.

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

26 (30 ILCS 500/15-25)

27 Sec. 15-25. Bulletin content.

28 (a) Invitations for bids. Notice of each and every contract
29 that is offered, including renegotiated contracts and change
30 orders, shall be published in the Bulletin. The applicable
31 chief procurement officer may provide by rule an organized
32 format for the publication of this information, but in any case

1 it must include at least the date first offered, the date
2 submission of offers is due, the location that offers are to be
3 submitted to, the purchasing State agency, the responsible
4 State purchasing officer, a brief purchase description, the
5 method of source selection, and information of how to obtain a
6 comprehensive purchase description and any disclosure and
7 contract forms.

8 (b) Contracts let or awarded. Notice of each and every
9 contract that is let or awarded, including renegotiated
10 contracts and change orders, shall be published in the next
11 available subsequent Bulletin, and the applicable chief
12 procurement officer may provide by rule an organized format for
13 the publication of this information, but in any case it must
14 include at least all of the information specified in subsection
15 (a) as well as the name of the successful responsible bidder or
16 offeror, the contract price, the number of unsuccessful
17 responsive bidders, and any other disclosure specified in any
18 Section of this Code. This notice shall include the disclosures
19 under Section 50-37, if those disclosures are required. In
20 addition, the notice shall summarize the outreach efforts
21 undertaken by the agency to make potential bidders or offerors
22 aware of any contract offer other than publication in the
23 Bulletin. This notice must be posted in the online electronic
24 Bulletin no later than 10 business days after services or goods
25 are first provided.

26 (c) Emergency purchase disclosure. Any chief procurement
27 officer, State purchasing officer, or designee exercising
28 emergency purchase authority under this Code shall publish a
29 written description and reasons and the total cost, if known,
30 or an estimate if unknown and the name of the responsible chief
31 procurement officer and State purchasing officer, and the
32 business or person contracted with for all emergency purchases
33 in the next timely, practicable Bulletin. This notice must be
34 posted in the online electronic Bulletin within 10 business

1 days after the earlier of (i) execution of the contract or (ii)
2 whenever services or goods begin to be provided under the
3 contract and, in any event, prior to any payment by the State
4 under the contract.

5 (c-5) Each State agency shall post in the online electronic
6 Bulletin a copy of its annual report of utilization of
7 businesses owned by minorities, females, and persons with
8 disabilities as submitted to the Business Enterprises Council
9 for Minorities, Females, and Persons with Disabilities
10 pursuant to Section 6(c) of the Business Enterprise for
11 Minorities, Females, and Persons with Disabilities Act within
12 10 business days of its submission of its report to the
13 Council.

14 (c-10) Renewals. Notice of each contract renewal shall be
15 posted online on the Procurement Bulletin. The Procurement
16 Policy Board by rule shall specify the information to be
17 included in the notice, and the applicable chief procurement
18 officer by rule may provide a format for the information.

19 (d) Other required disclosure. The applicable chief
20 procurement officer shall provide by rule for the organized
21 publication of all other disclosure required in other Sections
22 of this Code in a timely manner.

23 (e) The changes to subsections (b), (c), and (c-5) of this
24 Section made by this amendatory Act of the 94th General
25 Assembly apply to reports submitted, offers made, and notices
26 on contracts executed on or after its effective date.

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

28 (30 ILCS 500/20-10)

29 Sec. 20-10. Competitive sealed bidding.

30 (a) Conditions for use. All contracts shall be awarded by
31 competitive sealed bidding except as otherwise provided in
32 Section 20-5.

33 (b) Invitation for bids. An invitation for bids shall be

1 issued and shall include a purchase description and the
2 material contractual terms and conditions applicable to the
3 procurement.

4 (c) Public notice. Public notice of the invitation for bids
5 shall be published in the Illinois Procurement Bulletin at
6 least 14 days before the date set in the invitation for the
7 opening of bids.

8 (d) Bid opening. Bids shall be opened publicly in the
9 presence of one or more witnesses at the time and place
10 designated in the invitation for bids. The name of each bidder,
11 the amount of each bid, and other relevant information as may
12 be specified by rule shall be recorded. After the award of the
13 contract, the winning bid and the record of each unsuccessful
14 bid shall be open to public inspection.

15 (e) Bid acceptance and bid evaluation. Bids shall be
16 unconditionally accepted without alteration or correction,
17 except as authorized in this Code. Bids shall be evaluated
18 based on the requirements set forth in the invitation for bids,
19 which may include criteria to determine acceptability such as
20 inspection, testing, quality, workmanship, delivery, and
21 suitability for a particular purpose. Those criteria that will
22 affect the bid price and be considered in evaluation for award,
23 such as discounts, transportation costs, and total or life
24 cycle costs, shall be objectively measurable. The invitation
25 for bids shall set forth the evaluation criteria to be used.

26 (f) Correction or withdrawal of bids. Correction or
27 withdrawal of inadvertently erroneous bids before or after
28 award, or cancellation of awards of contracts based on bid
29 mistakes, shall be permitted in accordance with rules. After
30 bid opening, no changes in bid prices or other provisions of
31 bids prejudicial to the interest of the State or fair
32 competition shall be permitted. All decisions to permit the
33 correction or withdrawal of bids based on bid mistakes shall be
34 supported by written determination made by a State purchasing

1 officer.

2 (g) Award. The contract shall be awarded with reasonable
3 promptness by written notice to the lowest responsible and
4 responsive bidder whose bid meets the requirements and criteria
5 set forth in the invitation for bids, except when a State
6 purchasing officer determines it is not in the best interest of
7 the State and by written explanation determines another bidder
8 shall receive the award. The explanation shall appear in the
9 appropriate volume of the Illinois Procurement Bulletin. The
10 written explanation must include:

11 (1) a description of the agency's needs;

12 (2) a determination that the anticipated cost will be
13 fair and reasonable;

14 (3) a listing of all responsible and responsive
15 bidders; and

16 (4) the name of the bidder selected, pricing, and the
17 reasons for selecting that bidder instead of the lowest
18 responsible and responsive bidder.

19 Each agency may adopt rules to implement the requirements
20 of this subsection (g).

21 The written explanation shall be filed with the Legislative
22 Audit Commission and the Procurement Policy Board and be made
23 available for inspection by the public within 30 days after the
24 agency's decision to award the contract.

25 (h) Multi-step sealed bidding. When it is considered
26 impracticable to initially prepare a purchase description to
27 support an award based on price, an invitation for bids may be
28 issued requesting the submission of unpriced offers to be
29 followed by an invitation for bids limited to those bidders
30 whose offers have been qualified under the criteria set forth
31 in the first solicitation.

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

33 (30 ILCS 500/20-30)

1 Sec. 20-30. Emergency purchases.

2 (a) Conditions for use. In accordance with standards set by
3 rule, a purchasing agency may make emergency procurements
4 without competitive sealed bidding or prior notice when there
5 exists a threat to public health or public safety, or when
6 immediate expenditure is necessary for repairs to State
7 property in order to protect against further loss of or damage
8 to State property, to prevent or minimize serious disruption in
9 critical State services that affect health, safety, or
10 collections of substantial State revenue, or to ensure the
11 integrity of State records; provided, however, that the term of
12 the emergency purchase shall be limited to the time reasonably
13 needed for a competitive procurement, not to exceed 6 months.

14 Emergency procurements shall be made with as much competition
15 as is practicable under the circumstances. A written
16 description of the basis for the emergency and reasons for the
17 selection of the particular contractor shall be included in the
18 contract file.

19 (b) Notice. Before the next appropriate volume of the
20 Illinois Procurement Bulletin, the purchasing agency shall
21 publish in the Illinois Procurement Bulletin a copy of each
22 written description and reasons and the total cost of each
23 emergency procurement made during the previous month. When only
24 an estimate of the total cost is known at the time of
25 publication, the estimate shall be identified as an estimate
26 and published. When the actual total cost is determined, it
27 shall also be published in like manner before the 10th day of
28 the next succeeding month.

29 (c) Affidavits. A purchasing agency making a procurement
30 under this Section shall file affidavits with the chief
31 procurement officer and the Auditor General within 10 days
32 after the procurement setting forth the amount expended, the
33 name of the contractor involved, and the conditions and
34 circumstances requiring the emergency procurement. When only

1 an estimate of the cost is available within 10 days after the
2 procurement, the actual cost shall be reported immediately
3 after it is determined. At the end of each fiscal quarter, the
4 Auditor General shall file with the Legislative Audit
5 Commission and the Governor a complete listing of all emergency
6 procurements reported during that fiscal quarter. The
7 Legislative Audit Commission shall review the emergency
8 procurements so reported and, in its annual reports, advise the
9 General Assembly of procurements that appear to constitute an
10 abuse of this Section.

11 (d) Quick purchases. The chief procurement officer may
12 promulgate rules extending the circumstances by which a
13 purchasing agency may make purchases under this Section,
14 including but not limited to the procurement of items available
15 at a discount for a limited period of time.

16 (e) The changes to this Section made by this amendatory Act
17 of the 94th General Assembly apply to procurements executed on
18 or after its effective date.

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

20 (30 ILCS 500/20-43 new)

21 Sec. 20-43. Bidder or offeror authorized to do business in
22 Illinois. In addition to meeting any other requirement of law
23 or rule, a person (other than an individual acting as a sole
24 proprietor) may qualify as a bidder or offeror under this Code
25 only if the person is a legal entity authorized to do business
26 in Illinois prior to submitting the bid, offer, or proposal.

27 (30 ILCS 500/35-15)

28 Sec. 35-15. Prequalification.

29 (a) The Director of Central Management Services, the
30 pension chief procurement officers, and the higher education
31 chief procurement officer shall each develop appropriate and
32 reasonable prequalification standards and categories of

1 professional and artistic services.

2 (b) The prequalifications and categorizations shall be
3 submitted to the Procurement Policy Board and published for
4 public comment prior to their submission to the Joint Committee
5 on Administrative Rules for approval.

6 (c) The Director of Central Management Services, the
7 pension chief procurement officers, and the higher education
8 chief procurement officer shall each also assemble and maintain
9 a comprehensive list of prequalified and categorized
10 businesses and persons.

11 (d) Prequalification shall not be used to bar or prevent
12 any qualified business or person for bidding or responding to
13 invitations for bid or proposal.

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

15 (30 ILCS 500/35-20)

16 Sec. 35-20. Uniformity in procurement.

17 (a) The Director of Central Management Services, the
18 pension chief procurement officers, and the higher education
19 chief procurement officer shall each develop, cause to be
20 printed, and distribute uniform documents for the
21 solicitation, review, and acceptance of all professional and
22 artistic services.

23 (b) All chief procurement officers, State purchasing
24 officers, and their designees shall use the appropriate uniform
25 procedures and forms specified in this Code for all
26 professional and artistic services.

27 (c) These forms shall include in detail, in writing, at
28 least:

- 29 (1) a description of the goal to be achieved;
30 (2) the services to be performed;
31 (3) the need for the service;
32 (4) the qualifications that are necessary; and
33 (5) a plan for post-performance review.

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

2 (30 ILCS 500/35-25)

3 Sec. 35-25. Uniformity in contract.

4 (a) The Director of Central Management Services, the
5 pension chief procurement officers, and the higher education
6 chief procurement officer shall each develop, cause to be
7 printed, and distribute uniform documents for the contracting
8 of professional and artistic services.

9 (b) All chief procurement officers, State purchasing
10 officers, and their designees shall use the appropriate uniform
11 contracts and forms in contracting for all professional and
12 artistic services.

13 (c) These contracts and forms shall include in detail, in
14 writing, at least:

15 (1) the detail listed in subsection (c) of Section
16 35-20;

17 (2) the duration of the contract, with a schedule of
18 delivery, when applicable;

19 (3) the method for charging and measuring cost (hourly,
20 per day, etc.);

21 (4) the rate of remuneration; and

22 (5) the maximum price.

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

24 (30 ILCS 500/35-30)

25 Sec. 35-30. Awards.

26 (a) All State contracts for professional and artistic
27 services, except as provided in this Section, shall be awarded
28 using the competitive request for proposal process outlined in
29 this Section.

30 (b) For each contract offered, the chief procurement
31 officer, State purchasing officer, or his or her designee shall
32 use the appropriate standard solicitation forms available from

1 the Department of Central Management Services, the appropriate
2 pension chief procurement officer, or the higher education
3 chief procurement officer.

4 (c) Prepared forms shall be submitted to the Department of
5 Central Management Services, a pension chief procurement
6 officer, or the higher education chief procurement officer,
7 whichever is appropriate, for publication in its Illinois
8 Procurement Bulletin and circulation to the Department of
9 Central Management Services', the pension chief procurement
10 officer's, or the higher education chief procurement officer's
11 list of prequalified vendors. Notice of the offer or request
12 for proposal shall appear at least 14 days before the response
13 to the offer is due.

14 (d) All interested respondents shall return their
15 responses to the Department of Central Management Services, the
16 pension chief procurement officer, or the higher education
17 chief procurement officer, whichever is appropriate, which
18 shall open and record them. The Department, the pension chief
19 procurement officer, or higher education chief procurement
20 officer then shall forward the responses, together with any
21 information it has available about the qualifications and other
22 State work of the respondents.

23 (e) After evaluation, ranking, and selection, the
24 responsible chief procurement officer, State purchasing
25 officer, or his or her designee shall notify the Department of
26 Central Management Services, the pension chief procurement
27 officer, or the higher education chief procurement officer,
28 whichever is appropriate, of the successful respondent and
29 shall forward a copy of the signed contract for the
30 Department's, pension chief procurement officer's, or higher
31 education chief procurement officer's file. The Department,
32 the pension chief procurement officer, or higher education
33 chief procurement officer shall publish the names of the
34 responsible procurement decision-maker, the agency letting the

1 contract, the successful respondent, a contract reference, and
2 value of the let contract in the next appropriate volume of the
3 Illinois Procurement Bulletin.

4 (f) For all professional and artistic contracts with
5 annualized value that exceeds \$25,000, evaluation and ranking
6 by price are required. Any chief procurement officer or State
7 purchasing officer, but not their designees, may select an
8 offeror other than the lowest bidder by price. In any case,
9 when the contract exceeds the \$25,000 threshold ~~threshold~~ and
10 the lowest bidder is not selected, the chief procurement
11 officer or the State purchasing officer shall forward together
12 with the contract notice of who the low bidder was and a
13 written decision as to why another was selected to the
14 Department of Central Management Services, the pension chief
15 procurement officer, or the higher education chief procurement
16 officer, whichever is appropriate. The Department, the pension
17 chief procurement officer, or higher education chief
18 procurement officer shall publish as provided in subsection (e)
19 of Section 35-30, but shall include notice of the chief
20 procurement officer's or State purchasing officer's written
21 decision.

22 (g) The Department of Central Management Services, the
23 pension chief procurement officers, and higher education chief
24 procurement officer may each refine, but not contradict, this
25 Section by promulgating rules for submission to the Procurement
26 Policy Board and then to the Joint Committee on Administrative
27 Rules. Any refinement shall be based on the principles and
28 procedures of the federal Architect-Engineer Selection Law,
29 Public Law 92-582 Brooks Act, and the Architectural,
30 Engineering, and Land Surveying Qualifications Based Selection
31 Act; except that pricing shall be an integral part of the
32 selection process.

33 (Source: P.A. 90-572, eff. date - See Sec. 99-5; revised
34 10-19-05.)

1 (30 ILCS 500/35-35)

2 Sec. 35-35. Exceptions.

3 (a) Exceptions to Section 35-30 are allowed for sole source
4 procurements, emergency procurements, and at the discretion of
5 the chief procurement officer or the State purchasing officer,
6 but not their designees, for professional and artistic
7 contracts that are nonrenewable, one year or less in duration,
8 and have a value of less than \$20,000.

9 (b) All exceptions granted under this Article must still be
10 submitted to the Department of Central Management Services, the
11 appropriate pension chief procurement officer, or the higher
12 education chief procurement officer, whichever is appropriate,
13 and published as provided for in subsection (f) of Section
14 35-30, shall name the authorizing chief procurement officer or
15 State purchasing officer, and shall include a brief explanation
16 of the reason for the exception.

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

18 (30 ILCS 500/35-40)

19 Sec. 35-40. Subcontractors.

20 (a) Any contract granted under this Article shall state
21 whether the services of a subcontractor will be used. The
22 contract shall include the names and addresses of all
23 subcontractors and the expected amount of money each will
24 receive under the contract.

25 (b) If at any time during the term of a contract, a
26 contractor adds or changes any subcontractors, he or she shall
27 promptly notify, in writing, the Department of Central
28 Management Services, the appropriate pension chief procurement
29 officer, or the higher education chief procurement officer,
30 whichever is appropriate, and the responsible chief
31 procurement officer, State purchasing officer, or their
32 designee of the names and addresses and the expected amount of

1 money each new or replaced subcontractor will receive.

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

3 (30 ILCS 500/40-15)

4 Sec. 40-15. Method of source selection.

5 (a) Request for information. Except as provided in
6 subsections (b) and (c), all State contracts for leases of real
7 property or capital improvements shall be awarded by a request
8 for information process in accordance with Section 40-20.

9 (b) Other methods. A request for information process need
10 not be used in procuring any of the following leases:

11 (1) Property of less than 10,000 square feet.

12 (2) Rent of less than \$100,000 per year.

13 (3) Duration of less than one year that cannot be
14 renewed.

15 (4) Specialized space available at only one location.

16 (5) Renewal or extension of a lease ~~in effect before~~
17 ~~July 1, 2002~~; provided that: (i) the chief procurement
18 officer determines in writing that the renewal or extension
19 is in the best interest of the State; (ii) the chief
20 procurement officer submits his or her written
21 determination and the renewal or extension to the Board;
22 (iii) the Board does not object in writing to the renewal
23 or extension within 30 days after its submission; and (iv)
24 the chief procurement officer publishes the renewal or
25 extension in the appropriate volume of the Procurement
26 Bulletin.

27 (c) Leases with governmental units. Leases with other
28 governmental units may be negotiated without using the request
29 for information process when deemed by the chief procurement
30 officer to be in the best interest of the State.

31 (Source: P.A. 93-133, eff. 1-1-04; 93-839, eff. 7-30-04.)

32 (30 ILCS 500/40-25)

1 Sec. 40-25. Length of leases.

2 (a) Maximum term. Leases shall be for a term not to exceed
3 10 years and shall include a termination option in favor of the
4 State after 5 years.

5 (b) Renewal. Leases may include a renewal option. An option
6 to renew may be exercised only when a State purchasing officer
7 determines in writing that renewal is in the best interest of
8 the State and notice of the exercise of the option is published
9 in the appropriate volume of the Procurement Bulletin at least
10 60 days prior to the exercise of the option.

11 (c) Subject to appropriation. All leases shall recite that
12 they are subject to termination and cancellation in any year
13 for which the General Assembly fails to make an appropriation
14 to make payments under the terms of the lease.

15 (d) Holdover. No lease may continue on a month-to-month or
16 other holdover basis for a total of more than 6 months.

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

18 (30 ILCS 500/50-20)

19 Sec. 50-20. Exemptions. With the approval of the
20 appropriate chief procurement officer involved, the Governor,
21 or an executive ethics board or commission he or she
22 designates, may exempt named individuals from the prohibitions
23 of Section 50-13 when, in his, her, or its judgment, the public
24 interest in having the individual in the service of the State
25 outweighs the public policy evidenced in that Section. An
26 exemption is effective only when it is filed with the Secretary
27 of State and the Comptroller and includes a statement setting
28 forth the name of the individual and all the pertinent facts
29 that would make that Section applicable, setting forth the
30 reason for the exemption, and declaring the individual exempted
31 from that Section. Exemptions must be filed with the Secretary
32 of State and Comptroller prior to execution of any contracts. A
33 copy of ~~Notice of~~ each exemption shall be published in the

1 Illinois Procurement Bulletin in its electronic form prior to
2 execution of the contract. The changes to this Section made by
3 this amendatory Act of the 94th General Assembly apply to
4 exemptions granted on or after its effective date.

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

6 (30 ILCS 500/50-37 new)

7 Sec. 50-37. Contract award disclosure.

8 (a) For the purposes of this Section:

9 "Contracting entity" means an entity that would execute any
10 contract with a State agency.

11 "Key persons" means any persons who (i) have an ownership
12 or distributive income share in the contracting entity that is
13 in excess of 5%, or an amount greater than 60% of the annual
14 salary of the Governor, or (ii) serve as executive officers of
15 the contracting entity.

16 (b) For contracts with an annual value of \$50,000 or more,
17 all offers from responsive bidders or offerors shall be
18 accompanied by disclosure of the names and addresses of the
19 following:

20 (1) The contracting entity.

21 (2) Any entity that is a parent of, or owns a
22 controlling interest in, the contracting entity.

23 (3) Any entity that is a subsidiary of, or in which a
24 controlling interest is owned by, the contracting entity.

25 (4) The contracting entity's key persons.

26 (c) Notices of contracts let or awarded published in the
27 Procurement Bulletin pursuant to Section 15-25 shall include as
28 part of the notice posted online the names disclosed by the
29 winning bidder or offeror pursuant to subsection (b).

30 (d) The changes made to this Section made by this
31 amendatory Act of the 94th General Assembly apply to contracts
32 first offered on or after its effective date.

1 (30 ILCS 500/53-10)

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

3 (a) Except for property under the jurisdiction of a public
4 institution of higher education, concessions, including the
5 assignment, license, sale, or transfer of interests in or
6 rights to discoveries, inventions, patents, or copyrightable
7 works, may be entered into by the State agency with
8 jurisdiction over the property, whether tangible or
9 intangible. Licenses of naming rights and sponsorship rights,
10 as those terms are defined and used in Section 7.6 of the State
11 Property Control Act, are not concessions and are subject to
12 that Section 7.6.

13 (b) Except for property under the jurisdiction of a public
14 institution of higher education, all concessions shall be
15 reduced to writing and shall be awarded under the provisions of
16 Article 20, except that the contract shall be awarded to the
17 highest and best bidder or offeror.

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

19 Section 30. The State Property Control Act is amended by
20 adding Section 7.6 as follows:

21 (30 ILCS 605/7.6 new)

22 Sec. 7.6. Naming or sponsorship rights; licenses.

23 (a) Administrator's authority. The administrator, as
24 defined in this Section, is authorized to license naming or
25 sponsorship rights only as provided in this Section. Naming or
26 sponsorship rights regarding any State asset to which this
27 Section applies may not be sold, conveyed, leased, licensed, or
28 otherwise granted by the administrator or by any other officer,
29 employee, or agent of the State except as provided in this
30 Section. Naming or sponsorship rights are subject to all other
31 applicable statutes that are not inconsistent with the
32 provisions of this Section; to the extent of any conflict,

1 however, this Section controls.

2 (b) Certain State assets; no license. Naming or sponsorship
3 rights may not be licensed with respect to or in association
4 with any of the following:

5 (1) the State Capitol Building in Springfield,
6 Illinois;

7 (2) the Old State Capitol Building in Springfield,
8 Illinois;

9 (3) the Vandalia State House in Vandalia, Illinois;

10 (4) the Executive Mansion in Springfield, Illinois;

11 (5) the Executive Mansion, also known as the Hayes
12 House, in Du Quoin, Illinois;

13 (6) the Abraham Lincoln Home in Springfield, Illinois,
14 if it becomes State real property not under the
15 jurisdiction of the federal government;

16 (7) the Lincoln Tomb in Springfield, Illinois;

17 (8) all present and future Abraham Lincoln sites not
18 otherwise listed, except the Abraham Lincoln Presidential
19 Library and Museum in Springfield, Illinois;

20 (9) all Illinois homes of all past, present, or future
21 United States Presidents who have resided, currently
22 reside, or in the future will reside in the State of
23 Illinois;

24 (10) the burial sites of all past, present, or future
25 United States Presidents;

26 (11) any State asset identified or named for a specific
27 individual by Joint Resolution of the General Assembly or
28 by statute as of the effective date of this Section or
29 later; and

30 (12) any other State asset that on the effective date
31 of this Section or later is designated a National Historic
32 Landmark, listed as a State Historic Site under Section 6
33 of the Historic Preservation Agency Act, or listed on
34 either the Illinois Register of Historic Places or the

1 National Register of Historic Places, unless the State
2 asset is a university sports stadium and the federal or
3 State agency that made the designation has the authority to
4 consent and does consent in writing.

5 (c) Terms and conditions of licenses. A license of naming
6 or sponsorship rights (i) may have a term of no more than 10
7 years and shall include a termination option in favor of the
8 State after 5 years, (ii) is non-transferable, and (iii) is
9 non-renewable (at the end of a term of a license, however, the
10 licensee is eligible to compete for a new license as provided
11 in subsection (d)). The licensee shall have the authority to
12 place signs, placards, imprints, or other identifying
13 information only on the State assets specified in the license
14 and only during the term of the license. The signs, placards,
15 imprints, or other identifying information may contain nothing
16 other than the name of the licensee, the licensee's logo, or
17 both, except that with the written approval of the
18 administrator they may contain other authorized material. The
19 license may, but need not, require the State to refer to a
20 State asset by the name of the licensee during the term of the
21 license, all within reasonable limitations and other than in
22 statutes, rules, and existing supplies of forms and other
23 documents. Except with respect to State assets of a public
24 institution of higher education, no naming or sponsorship
25 right, however, may be characterized or treated as "official"
26 or in a similar fashion. If a licensee materially breaches any
27 term of a license and the Executive Ethics Commission
28 recommends that the license be revoked, then the administrator
29 may declare the license revoked. At least 25% of the total
30 amount of license fees must be paid prior to the commencement
31 of the term of the license. Any balance shall be paid on a
32 periodic schedule agreed to by the administrator. All fees are
33 non-refundable. Fees shall be deposited into the General
34 Revenue Fund, except that, if a fund or account has been

1 designated in a license, then fees under the applicable license
2 shall be deposited into the designated fund or account.

3 (d) Competitive negotiation. A license of naming or
4 sponsorship rights may be granted only on the basis of the
5 highest and best competitively negotiated proposal that yields
6 the most advantageous benefits and considerations to the State.
7 The administrator shall give notice that the administrator will
8 accept proposals for the licensing of naming or sponsorship
9 rights with respect to any one or more specified State assets
10 by publication in the Illinois Procurement Bulletin not less
11 than 7 business days before the day upon which proposals will
12 be accepted. The administrator shall give such other notice as
13 the administrator deems appropriate. Proposals shall not be
14 sealed and shall be part of the public record. The
15 administrator shall conduct open, competitive negotiations
16 with those who have submitted proposals in order to obtain the
17 highest and best competitively negotiated proposal that yields
18 the most advantageous benefits and considerations to the State.
19 The administrator may give notice of and negotiate multiple
20 licenses for identical naming or sponsorship rights as part of
21 a single notice, negotiation, and licensing process. In the
22 case of naming or sponsorship rights for a single event or a
23 continuous series of related events, the administrator may
24 grant multiple licenses not based on the standard of "highest
25 and best" proposals if the end result is the most beneficial to
26 the State. If a proposal satisfactory to the administrator is
27 not negotiated, the administrator may give notice as provided
28 in this subsection and accept additional proposals.

29 Subject to the provisions of this Section, the
30 administrator shall have all power necessary to grant the
31 license and enter into any agreements and execute any documents
32 necessary to exercise the authority granted by this Section.
33 The administrator shall have authority to order such surveys,
34 abstracts of title, or commitments for title insurance as may,

1 in the administrator's reasonable discretion, be deemed
2 necessary to demonstrate good and marketable title to the
3 naming or sponsorship rights.

4 (e) Personal gifts. If one or more natural persons, as
5 such, make a gift, bequest, or devise to a State officer or
6 entity to which this Section applies and that does not result
7 in any pecuniary benefit (other than a tax benefit) to the
8 person or persons, then, at the request of the administrator
9 and with the approval of the Executive Ethics Commission in the
10 same manner as provided in subsection (f), the administrator
11 may grant naming or sponsorship rights, so long as the rights
12 are of no pecuniary benefit to the person or persons, subject
13 only to the limitations in subsection (c) on identifying
14 information and characterization as "official" or in a similar
15 fashion. The sole purpose of the gift, bequest, or devise must
16 be to assist the recipient in fulfilling the recipient's core
17 mission or purpose.

18 (f) Approval by Executive Ethics Commission. Upon
19 determining to grant a license, the administrator must, within
20 15 calendar days, deliver a written notice setting forth all of
21 the pertinent facts relating to the proposal, proposer, and
22 proposed license to the Executive Ethics Commission. A license
23 shall not be granted unless approved in advance by the
24 Commission. If the administrator proposes to amend an existing
25 license, the administrator must deliver notice of the proposed
26 amendment to the Commission within 15 calendar days, and the
27 amendment shall not be made unless approved in advance by the
28 Commission. The Commission's review shall be based solely on
29 ethical and ethics related standards imposed by the law and on
30 avoiding the appearance of impropriety. The Commission's
31 approval shall not be unreasonably withheld.

32 Within 40 calendar days after its actual receipt from the
33 administrator of notice of a proposed license or amendment to a
34 license, the Commission shall either approve or disapprove the

1 proposed license or amendment and shall notify the
2 administrator and other parties to the proposed license or
3 amendment of its decision. The Commission may, in its
4 discretion and before the running of the time period in which
5 it must make a decision, grant itself one extension of up to an
6 additional 40 calendar days in which to make a decision by
7 notifying the administrator and other parties to the proposed
8 license or amendment. If the Commission requests additional or
9 supplemental information from the administrator or a party to
10 the proposed license or amendment, the running of the time
11 limit in which the Commission must make its decision is
12 suspended, and the 40-day period begins anew when the
13 information is delivered to the Commission. If the Commission
14 fails to render a decision within the applicable time period,
15 the proposed license or amendment is deemed approved.

16 (g) Rules. Each administrator and the Executive Ethics
17 Commission may, separately, adopt rules to implement their
18 several functions under this Section. The rules may not,
19 however, waive or provide for the waiver of any of the
20 requirements of this Section except as provided in this
21 subsection. The Executive Ethics Commission may adopt rules
22 authorizing the administrator to grant licenses without
23 pre-approval under subsection (f), but the rules must specify,
24 by category, those emergency and other extenuating situations
25 in which pre-approval is waived, must provide for prompt review
26 by the Commission after the granting of the license, and may
27 contain other provisions the Commission deems necessary to
28 prevent abuse of this procedure.

29 (h) Blind vendors. The provisions of this Section are
30 subject to, and do not supersede, any of the provisions of the
31 Blind Persons Operating Vending Facilities Act, any other State
32 or federal law granting preference to blind persons, or any
33 rules or regulations adopted pursuant to any of those laws.

34 (i) Small consideration. If the value of the consideration

1 for an individual naming or sponsorship right does not exceed
2 \$25,000, the administrator may grant the right, subject only to
3 the limitations in subsection (c) on identifying information
4 and characterization as "official" or in a similar fashion, but
5 the administrator must deliver a written notice giving the
6 details to the Executive Ethics Commission at least one full
7 business day before the administrator agrees to grant the
8 right. Naming or sponsorship rights shall not be artificially
9 divided in an attempt to qualify under this subsection.

10 (j) Applicability. This Section does not apply to naming or
11 sponsorship rights with respect to State assets under the
12 jurisdiction and control of the legislative branch or the
13 judicial branch of the State.

14 This Section does not apply when a natural person, as such,
15 makes a gift to an institution of higher education or to the
16 Illinois Mathematics and Science Academy and is recognized by
17 that institution or the Academy for making that gift if the
18 recognition (i) is commensurate with the level of support, (ii)
19 is a result of the gift, and (iii) is not provided as a
20 commercial exchange and if the donor does not retain any
21 express or implicit control over the gift after it is accepted
22 by the institution.

23 This Section does not apply to a gift that endows a faculty
24 appointment or student scholarship at an institution of higher
25 education or at the Illinois Mathematics and Science Academy.

26 This Section applies to all other naming or sponsorship
27 rights granted on or after the effective date of this
28 amendatory Act of the 94th General Assembly.

29 (k) Retention of records. The administrator must maintain
30 all records relating to (i) each license of naming or
31 sponsorship rights for at least 7 years after the expiration of
32 the term of the license and (ii) each proposal for naming or
33 sponsorship rights that does not result in a license being
34 granted to the proposer for at least 7 years after the proposal

1 was submitted.

2 (1) Definitions. In this Section:

3 Notwithstanding Section 1.03 of this Act, in this Section
4 "administrator" means (i) an officer or employee designated by
5 the Attorney General with respect to the State assets under the
6 jurisdiction and control of the Attorney General; (ii) an
7 officer or employee designated by the Secretary of State with
8 respect to the State assets under the jurisdiction and control
9 of the Secretary of State; (iii) an officer or employee
10 designated by the Comptroller with respect to the State assets
11 under the jurisdiction and control of the Comptroller; (iv) an
12 officer or employee designated by the Treasurer with respect to
13 the State assets under the jurisdiction and control of the
14 Treasurer; (v) an officer or employee designated by the board
15 of trustees of a public institution of higher education, as
16 defined in Section 1 of the Board of Higher Education Act, with
17 respect to the State assets under the jurisdiction and control
18 of that public institution of higher education; and (vi) the
19 Director of Central Management Services with respect to all
20 other State assets to which this Section applies.

21 "Naming or sponsorship rights" means the right to associate
22 the name or identifying mark of any person or entity with the
23 name or identity of any State asset. "Naming or sponsorship
24 rights" does not, however, include a simple acknowledgement,
25 such as an acknowledgement in an event playbill or a plaque on
26 a wall, of a gift by a donor if the acknowledgement is
27 reasonable, appropriate, discreetly-sized, and contains only
28 the name of the donor and a simple indication that a gift was
29 made; this exception shall be narrowly construed and shall not
30 be used with the purpose or effect of contravening or avoiding
31 the limitations and requirements of this Section.

32 "State asset" means any State property, whether real,
33 personal, tangible, or intangible, any State program, and any
34 State event.

1 (m) Each year prior to March 1, each public institution of
2 higher education, the Illinois Mathematics and Science
3 Academy, the Abraham Lincoln Presidential Library and Museum,
4 and the Illinois State Museum shall file a report with the
5 General Assembly with respect to all licenses of naming or
6 sponsorship rights granted in the previous calendar year. With
7 respect to each license, the report must identify the licensee;
8 identify the applicable State asset; summarize the terms and
9 conditions of the license; and have attached copies of the
10 license and all documents provided to or by the Executive
11 Ethics Commission.

12 (n) This Section shall be construed to ensure that all
13 naming or sponsorship rights are strictly controlled under the
14 terms of this Section.

15 (o) Severability. The provisions of this Section are
16 severable under Section 1.31 of the Statute on Statutes.

17 Section 35. The Illinois Pension Code is amended by
18 changing Sections 1-101.2, 1-101.4, 1-110, 1-113.5, 1-113.12,
19 1A-113, 22A-108.1, and 22A-111 and by adding Sections 1-125,
20 1-130, 1-135, and 1-140 as follows:

21 (40 ILCS 5/1-101.2)

22 Sec. 1-101.2. Fiduciary. A person is a "fiduciary" with
23 respect to a pension fund or retirement system established
24 under this Code to the extent that the person:

25 (1) exercises any discretionary authority or
26 discretionary control respecting management of the pension
27 fund or retirement system, or exercises any authority or
28 control respecting management or disposition of its
29 assets;

30 (2) renders investment advice, or advice with respect
31 to the selection of other fiduciaries, for a fee or other
32 compensation, direct or indirect, with respect to any

1 moneys or other property of the pension fund or retirement
2 system, or has any authority or responsibility to do so; or

3 (3) has any discretionary authority or discretionary
4 responsibility in the administration of the pension fund or
5 retirement system.

6 (Source: P.A. 90-507, eff. 8-22-97.)

7 (40 ILCS 5/1-101.4)

8 Sec. 1-101.4. Investment adviser. A person is an
9 "investment adviser", "investment advisor", or "investment
10 manager" with respect to a pension fund or retirement system
11 established under this Code if the ~~the~~ person:

12 (1) is a fiduciary appointed by the board of trustees
13 of the pension fund or retirement system in accordance with
14 Section 1-109.1;

15 (2) has the power to manage, acquire, or dispose of any
16 asset of the retirement system or pension fund;

17 (3) has acknowledged in writing that he or she is a
18 fiduciary with respect to the pension fund or retirement
19 system; and

20 (4) is at least one of the following: (i) registered as
21 an investment adviser under the federal Investment
22 Advisers Act of 1940 (15 U.S.C. 80b-1, et seq.); (ii)
23 registered as an investment adviser under the Illinois
24 Securities Law of 1953; (iii) a bank, as defined in the
25 Investment Advisers Act of 1940; or (iv) an insurance
26 company authorized to transact business in this State.

27 (Source: P.A. 90-507, eff. 8-22-97.)

28 (40 ILCS 5/1-110) (from Ch. 108 1/2, par. 1-110)

29 Sec. 1-110. Prohibited Transactions.

30 (a) A fiduciary with respect to a retirement system or
31 pension fund shall not cause the retirement system or pension
32 fund to engage in a transaction if he or she knows or should

1 know that such transaction constitutes a direct or indirect:

2 (1) Sale or exchange, or leasing of any property from
3 the retirement system or pension fund to a party in
4 interest for less than adequate consideration, or from a
5 party in interest to a retirement system or pension fund
6 for more than adequate consideration.

7 (2) Lending of money or other extension of credit from
8 the retirement system or pension fund to a party in
9 interest without the receipt of adequate security and a
10 reasonable rate of interest, or from a party in interest to
11 a retirement system or pension fund with the provision of
12 excessive security or an unreasonably high rate of
13 interest.

14 (3) Furnishing of goods, services or facilities from
15 the retirement system or pension fund to a party in
16 interest for less than adequate consideration, or from a
17 party in interest to a retirement system or pension fund
18 for more than adequate consideration.

19 (4) Transfer to, or use by or for the benefit of, a
20 party in interest of any assets of a retirement system or
21 pension fund for less than adequate consideration.

22 (b) A fiduciary with respect to a retirement system or
23 pension fund established under this Code shall not:

24 (1) Deal with the assets of the retirement system or
25 pension fund in his own interest or for his own account;

26 (2) In his individual or any other capacity act in any
27 transaction involving the retirement system or pension
28 fund on behalf of a party whose interests are adverse to
29 the interests of the retirement system or pension fund or
30 the interests of its participants or beneficiaries; or

31 (3) Receive any consideration for his own personal
32 account from any party dealing with the retirement system
33 or pension fund in connection with a transaction involving
34 the assets of the retirement system or pension fund.

1 (c) Nothing in this Section shall be construed to prohibit
2 any trustee from:

3 (1) Receiving any benefit to which he may be entitled
4 as a participant or beneficiary in the retirement system or
5 pension fund.

6 (2) Receiving any reimbursement of expenses properly
7 and actually incurred in the performance of his duties with
8 the retirement system or pension fund.

9 (3) Serving as a trustee in addition to being an
10 officer, employee, agent or other representative of a party
11 in interest.

12 (d) A fiduciary with respect to a retirement system or
13 pension fund shall not knowingly cause or advise the retirement
14 system or pension fund to engage in an investment transaction
15 when the fiduciary (i) has any direct interest in the income,
16 gains, or profits of the investment advisor through which the
17 investment transaction is made or (ii) has a business
18 relationship with that investment advisor that would result in
19 a pecuniary benefit to the fiduciary as a result of the
20 investment transaction.

21 Whoever violates the provisions of this subsection (d) is
22 guilty of a Class 3 felony.

23 (Source: P.A. 88-535.)

24 (40 ILCS 5/1-113.5)

25 Sec. 1-113.5. Investment advisers; consultants; and
26 investment services.

27 (a) The board of trustees of a pension fund or retirement
28 system may appoint investment advisers as defined in Section
29 1-101.4. The board of any pension fund investing in common or
30 preferred stock under Section 1-113.4 shall appoint an
31 investment adviser before making such investments.

32 The investment adviser shall be a fiduciary, as defined in
33 Section 1-101.2, with respect to the pension fund or retirement

1 system and shall be one of the following:

2 (1) an investment adviser registered under the federal
3 Investment Advisers Act of 1940 and the Illinois Securities
4 Law of 1953;

5 (2) a bank or trust company authorized to conduct a
6 trust business in Illinois;

7 (3) a life insurance company authorized to transact
8 business in Illinois; or

9 (4) an investment company as defined and registered
10 under the federal Investment Company Act of 1940 and
11 registered under the Illinois Securities Law of 1953.

12 (a-5) Notwithstanding any other provision of law, a person
13 or entity that provides consulting services (referred to as a
14 "consultant" in this Section) to a pension fund or retirement
15 system with respect to the selection of fiduciaries may not be
16 awarded a contract to provide those consulting services that is
17 more than 5 years in duration. No contract to provide such
18 consulting services may be renewed or extended. At the end of
19 the term of a contract, however, the contractor is eligible to
20 compete for a new contract as provided in subsection (a-10). No
21 pension fund, retirement system, or consultant shall attempt to
22 avoid or contravene the restrictions of this subsection by any
23 means.

24 (a-10) For the board of trustees of a pension fund or
25 retirement system created under Article 2, 14, 15, 16, or 18,
26 the selection and appointment of an investment adviser, the
27 selection and appointment of a consultant, and the contracting
28 for investment services from an investment adviser or a
29 consultant constitute procurements of professional and
30 artistic services under the Illinois Procurement Code that must
31 be made and awarded in accordance with and through the use of
32 the method of selection required by Article 35 of that Code.
33 For the board of trustees of a pension fund or retirement
34 system created under any other Article of this Code, the

1 selection and appointment of an investment adviser, the
2 selection and appointment of a consultant, and the contracting
3 for investment services by an investment adviser or consultant
4 constitute procurements that must be made and awarded in a
5 manner substantially similar to the method of selection
6 required for the procurement of professional and artistic
7 services under Article 35 of the Illinois Procurement Code. All
8 offers from responsive offerors shall be accompanied by
9 disclosure of the names and addresses of the following:

10 (1) The offeror.

11 (2) Any entity that is a parent of, or owns a
12 controlling interest in, the offeror.

13 (3) Any entity that is a subsidiary of, or in which a
14 controlling interest is owned by, the offeror.

15 (4) The offeror's key persons.

16 "Key persons" means any persons who (i) have an ownership
17 or distributive income share in the offeror that is in excess
18 of 5%, or an amount greater than 60% of the annual salary of
19 the Governor, or (ii) serve as executive officers of the
20 offeror.

21 Beginning on July 1, 2006, a person, other than a trustee
22 or an employee of a pension fund or retirement system, may not
23 act as a consultant under this Section unless that person is at
24 least one of the following: (i) registered as an investment
25 adviser under the federal Investment Advisers Act of 1940 (15
26 U.S.C. 80b-1, et seq.); (ii) registered as an investment
27 adviser under the Illinois Securities Law of 1953; (iii) a
28 bank, as defined in the Investment Advisers Act of 1940; or
29 (iv) an insurance company authorized to transact business in
30 this State.

31 (b) All investment advice and services provided by an
32 investment adviser or a consultant appointed under this Section
33 shall be (i) rendered pursuant to a written contract between
34 the investment adviser or consultant and the board, awarded as

1 provided in subsection (a-10), and (ii) in accordance with the
2 board's investment policy.

3 The contract shall include all of the following:

4 (1) acknowledgement in writing by the investment
5 adviser or consultant that he or she is a fiduciary with
6 respect to the pension fund or retirement system;

7 (2) the board's investment policy;

8 (3) full disclosure of direct and indirect fees,
9 commissions, penalties, and any other compensation that
10 may be received by the investment adviser or consultant,
11 including reimbursement for expenses; and

12 (4) a requirement that the investment adviser or
13 consultant submit periodic written reports, on at least a
14 quarterly basis, for the board's review at its regularly
15 scheduled meetings. All returns on investment shall be
16 reported as net returns after payment of all fees,
17 commissions, and any other compensation.

18 (b-5) Each contract described in subsection (b) shall also
19 include (i) full disclosure of direct and indirect fees,
20 commissions, penalties, and other compensation, including
21 reimbursement for expenses, that may be paid by or on behalf of
22 the investment adviser or consultant in connection with the
23 provision of services to the pension fund or retirement system
24 and (ii) a requirement that the investment adviser or
25 consultant update the disclosure promptly after a modification
26 of those payments or an additional payment.

27 Within 30 days after the effective date of this amendatory
28 Act of the 94th General Assembly, each investment adviser and
29 consultant currently providing services or subject to an
30 existing contract for the provision of services must disclose
31 to the board of trustees all direct and indirect fees,
32 commissions, penalties, and other compensation paid by or on
33 behalf of the investment adviser or consultant in connection
34 with the provision of those services and shall update that

1 disclosure promptly after a modification of those payments or
2 an additional payment.

3 A person required to make a disclosure under subsection (d)
4 is also required to disclose direct and indirect fees,
5 commissions, penalties, or other compensation that shall or may
6 be paid by or on behalf of the person in connection with the
7 rendering of those services. The person shall update the
8 disclosure promptly after a modification of those payments or
9 an additional payment.

10 The disclosures required by this subsection shall be in
11 writing and shall include the date and amount of each payment
12 and the name and address of each recipient of a payment.

13 (c) Within 30 days after appointing an investment adviser
14 or consultant, the board shall submit a copy of the contract to
15 the Division Department of Insurance of the Department of
16 Financial and Professional Regulation.

17 (d) Investment services provided by a person other than an
18 investment adviser appointed under this Section, including but
19 not limited to services provided by the kinds of persons listed
20 in items (1) through (4) of subsection (a), shall be rendered
21 only after full written disclosure of direct and indirect fees,
22 commissions, penalties, and any other compensation that shall
23 or may be received by the person rendering those services.

24 (e) The board of trustees of each pension fund or
25 retirement system shall retain records of investment
26 transactions in accordance with the rules of the Department of
27 Financial and Professional Regulation Insurance.

28 (f) This subsection applies to the board of trustees of a
29 pension fund or retirement system created under Article 2, 14,
30 15, 16, or 18. Notwithstanding any other provision of law, a
31 board of trustees shall comply with the Business Enterprise for
32 Minorities, Females, and Persons with Disabilities Act. The
33 board of trustees shall post upon its website the percentage of
34 its contracts awarded under this Section currently and during

1 the preceding 5 fiscal years that were awarded to "minority
2 owned businesses", "female owned businesses", and "businesses
3 owned by a person with a disability", as those terms are
4 defined in the Business Enterprise for Minorities, Females, and
5 Persons with Disabilities Act.

6 (g) This Section is a denial and limitation of home rule
7 powers and functions in accordance with subsection (i) of
8 Section 6 of Article VII of the Illinois Constitution. A home
9 rule unit may not regulate investment adviser and consultant
10 contracts in a manner that is less restrictive than the
11 provisions of this Section.

12 (Source: P.A. 90-507, eff. 8-22-97.)

13 (40 ILCS 5/1-113.12)

14 Sec. 1-113.12. Application. Sections 1-113.1 through
15 1-113.10 apply only to pension funds established under Article
16 3 or 4 of this Code, except that Section 1-113.5 applies to all
17 pension funds and retirement systems established under this
18 Code.

19 (Source: P.A. 90-507, eff. 8-22-97.)

20 (40 ILCS 5/1-125 new)

21 Sec. 1-125. No monetary gain on investments. No trustee or
22 employee of the board of any retirement system or pension fund
23 or of the Illinois State Board of Investment shall have any
24 direct interest in the income, gains, or profits of any
25 investments made in behalf of the retirement system or pension
26 fund or of the Illinois State Board of Investment, nor receive
27 any pay or emolument for services in connection with any
28 investment. No trustee or employee of the board of any
29 retirement system or pension fund or the Illinois State Board
30 of Investment shall become an endorser or surety, or in any
31 manner an obligor for money loaned or borrowed from the
32 retirement system or pension fund or the Illinois State Board

1 of Investment. Whoever violates any of the provisions of this
2 Section is guilty of a Class 3 felony.

3 (40 ILCS 5/1-130 new)

4 Sec. 1-130. Fraud. Any person who knowingly makes any false
5 statement, or falsifies or permits to be falsified any record
6 of a retirement system or pension fund or of the Illinois State
7 Board of Investment, in an attempt to defraud the retirement
8 system or pension fund or the Illinois State Board of
9 Investment, is guilty of a Class 3 felony.

10 (40 ILCS 5/1-135 new)

11 Sec. 1-135. Prohibition on gifts.

12 (a) For the purposes of this Section:

13 (1) "Board" means (i) the board of trustees of a
14 pension fund or retirement system created under this Code
15 or (ii) the Illinois State Board of Investment created
16 under Article 22A of this Code.

17 (2) "Gift" means a gift as defined in Section 1-5 of
18 the State Officials and Employees Ethics Act.

19 (3) "Prohibited source" is a person or entity who:

20 (i) is seeking official action (A) by the board,
21 (B) by a board member, or (C) in the case of a board
22 employee, by the employee, the board, a board member,
23 or another employee directing the employee;

24 (ii) does business or seeks to do business (A) with
25 the board, (B) with a board member, or (C) in the case
26 of a board employee, with the employee, the board, a
27 board member, or another employee directing the
28 employee;

29 (iii) has interests that may be substantially
30 affected by the performance or non-performance of the
31 official duties of the board member or employee; or

32 (iv) is registered or required to be registered

1 with the Secretary of State under the Lobbyist
2 Registration Act, except that an entity not otherwise a
3 prohibited source does not become a prohibited source
4 merely because a registered lobbyist is one of its
5 members or serves on its board of directors.

6 (b) No board member or employee shall solicit or accept any
7 gift from a prohibited source or from an officer, agent, or
8 employee of a prohibited source. No prohibited source or
9 officer, agent, or employee of a prohibited source shall offer
10 to a board member or employee any gift.

11 (c) Violation of this Section is a Class A misdemeanor.

12 (40 ILCS 5/1-140 new)

13 Sec. 1-140. Contingent fees. No person shall retain or
14 employ another to attempt to influence the outcome of an
15 investment decision of or the procurement of investment advice
16 or services by a board of a pension fund or retirement system
17 or the Illinois State Board of Investment for compensation
18 contingent in whole or in part upon the decision or
19 procurement, and no person shall accept any such retainer or
20 employment for compensation contingent in whole or in part upon
21 the decision or procurement. Any person who violates this
22 Section is guilty of a business offense and shall be fined not
23 more than \$10,000. In addition, any person convicted of a
24 violation of this Section is prohibited for a period of 3 years
25 from conducting such activities.

26 (40 ILCS 5/1A-113)

27 Sec. 1A-113. Penalties.

28 (a) A pension fund that fails, without just cause, to file
29 its annual statement within the time prescribed under Section
30 1A-109 shall pay to the Department a penalty to be determined
31 by the Department, which shall not exceed \$100 for each day's
32 delay.

1 (b) A pension fund that fails, without just cause, to file
2 its actuarial statement within the time prescribed under
3 Section 1A-110 or 1A-111 shall pay to the Department a penalty
4 to be determined by the Department, which shall not exceed \$100
5 for each day's delay.

6 (c) A pension fund that fails to pay a fee within the time
7 prescribed under Section 1A-112 shall pay to the Department a
8 penalty of 5% of the amount of the fee for each month or part of
9 a month that the fee is late. The entire penalty shall not
10 exceed 25% of the fee due.

11 (d) This subsection applies to any governmental unit, as
12 defined in Section 1A-102, that is subject to any law
13 establishing a pension fund or retirement system for the
14 benefit of employees of the governmental unit.

15 Whenever the Division determines by examination,
16 investigation, or in any other manner that the governing body
17 or any elected or appointed officer or official of a
18 governmental unit has failed to comply with any provision of
19 that law:

20 (1) The Director shall notify in writing the governing
21 body, officer, or official of the specific provision or
22 provisions of the law with which the person has failed to
23 comply.

24 (2) Upon receipt of the notice, the person notified
25 shall take immediate steps to comply with the provisions of
26 law specified in the notice.

27 (3) If the person notified fails to comply within a
28 reasonable time after receiving the notice, the Director
29 may hold a hearing at which the person notified may show
30 cause for noncompliance with the law.

31 (4) If upon hearing the Director determines that good
32 and sufficient cause for noncompliance has not been shown,
33 the Director may order the person to submit evidence of
34 compliance within a specified period of not less than 30

1 days.

2 (5) If evidence of compliance has not been submitted to
3 the Director within the period of time prescribed in the
4 order and no administrative appeal from the order has been
5 initiated, the Director may assess a civil penalty of up to
6 \$2,000 against the governing body, officer, or official for
7 each noncompliance with an order of the Director.

8 The Director shall develop by rule, with as much
9 specificity as practicable, the standards and criteria to be
10 used in assessing penalties and their amounts. The standards
11 and criteria shall include, but need not be limited to,
12 consideration of evidence of efforts made in good faith to
13 comply with applicable legal requirements. This rulemaking is
14 subject to the provisions of the Illinois Administrative
15 Procedure Act.

16 If a penalty is not paid within 30 days of the date of
17 assessment, the Director without further notice shall report
18 the act of noncompliance to the Attorney General of this State.
19 It shall be the duty of the Attorney General or, if the
20 Attorney General so designates, the State's Attorney of the
21 county in which the governmental unit is located to apply
22 promptly by complaint on relation of the Director of Insurance
23 in the name of the people of the State of Illinois, as
24 plaintiff, to the circuit court of the county in which the
25 governmental unit is located for enforcement of the penalty
26 prescribed in this subsection or for such additional relief as
27 the nature of the case and the interest of the employees of the
28 governmental unit or the public may require.

29 (e) Whoever knowingly makes a false certificate, entry, or
30 memorandum upon any of the books or papers pertaining to any
31 pension fund or upon any statement, report, or exhibit filed or
32 offered for file with the Division or the Director of Insurance
33 in the course of any examination, inquiry, or investigation,
34 with intent to deceive the Director, the Division, or any of

1 its employees is guilty of a Class 3 felony ~~A misdemeanor~~.

2 (Source: P.A. 90-507, eff. 8-22-97.)

3 (40 ILCS 5/22A-108.1) (from Ch. 108 1/2, par. 22A-108.1)

4 Sec. 22A-108.1. Investment Advisor: Any person or business
5 entity which provides investment advice to the ~~the~~ Board on a
6 personalized basis and with an understanding of the policies
7 and goals of the Board. "Investment Advisor" shall not include
8 any person or business entity which provides statistical or
9 general market research data available for purchase or use by
10 others.

11 (Source: P.A. 79-1171.)

12 (40 ILCS 5/22A-111) (from Ch. 108 1/2, par. 22A-111)

13 Sec. 22A-111. Duties and responsibilities.

14 (a) The Board shall manage the investments of any pension
15 fund, retirement system or education fund for the purpose of
16 obtaining a total return on investments for the long term. It
17 also shall perform such other functions as may be assigned or
18 directed by the General Assembly.

19 (b) The authority of the board to manage pension fund
20 investments and the liability shall begin when there has been a
21 physical transfer of the pension fund investments to the board
22 and placed in the custody of the State Treasurer.

23 (c) The authority of the board to manage monies from the
24 education fund for investment and the liability of the board
25 shall begin when there has been a physical transfer of
26 education fund investments to the board and placed in the
27 custody of the State Treasurer.

28 (d) The board may not delegate its management functions but
29 it may arrange to compensate for personalized investment
30 advisory service for any or all investments under its control,
31 with any national or state bank or trust company authorized to
32 do a trust business and domiciled in Illinois, or other

1 financial institution organized under the laws of Illinois, or
2 an investment advisor who is qualified under Federal Investment
3 Advisors Act of 1940 and is registered under the Illinois
4 Securities Law of 1953. Nothing contained herein shall prevent
5 the Board from subscribing to general investment research
6 services available for purchase or use by others. The Board
7 shall also have the authority to compensate for accounting
8 services.

9 (e) Notwithstanding any other provision of law, a person or
10 entity that provides consulting services (referred to as a
11 "consultant" in this Section) to the board with respect to the
12 selection of fiduciaries may not be awarded a contract to
13 provide those consulting services that is more than 5 years in
14 duration. No contract to provide such consulting services may
15 be renewed or extended. At the end of the term of a contract,
16 however, the contractor is eligible to compete for a new
17 contract as provided in subsection (f). Neither the board nor a
18 consultant shall attempt to avoid or contravene the
19 restrictions of this subsection by any means.

20 (f) The selection of an investment advisor, the selection
21 of a consultant, and the contracting for investment services
22 from an investment advisor or a consultant constitute
23 procurements of professional and artistic services under the
24 Illinois Procurement Code that must be made and awarded in
25 accordance with and through the use of the method of selection
26 required by Article 35 of that Code. All offers from responsive
27 offerors shall be accompanied by disclosure of the names and
28 addresses of the following:

29 (1) The offeror.

30 (2) Any entity that is a parent of, or owns a
31 controlling interest in, the offeror.

32 (3) Any entity that is a subsidiary of, or in which a
33 controlling interest is owned by, the offeror.

34 (4) The offeror's key persons.

1 "Key persons" means any persons who (i) have an ownership
2 or distributive income share in the offeror that is in excess
3 of 5%, or an amount greater than 60% of the annual salary of
4 the Governor, or (ii) serve as executive officers of the
5 offeror.

6 Beginning on July 1, 2006, a person, other than a trustee
7 or an employee of a the board, may not act as a consultant
8 under this Section unless that person is at least one of the
9 following: (i) registered as an investment adviser under the
10 federal Investment Advisers Act of 1940 (15 U.S.C. 80b-1, et
11 seq.); (ii) registered as an investment adviser under the
12 Illinois Securities Law of 1953; (iii) a bank, as defined in
13 the Investment Advisers Act of 1940; or (iv) an insurance
14 company authorized to transact business in this State.

15 In addition to any other requirement, each contract between
16 the Board and an investment advisor or consultant shall include
17 (i) full disclosure of direct and indirect fees, commissions,
18 penalties, and other compensation, including reimbursement for
19 expenses, that may be paid by or on behalf of the investment
20 advisor or consultant in connection with the provision of
21 services to the pension fund or retirement system and (ii) a
22 requirement that the investment advisor or consultant update
23 the disclosure promptly after a modification of those payments
24 or an additional payment.

25 Within 30 days after the effective date of this amendatory
26 Act of the 94th General Assembly, each investment advisor and
27 consultant currently providing services or subject to an
28 existing contract for the provision of services must disclose
29 to the Board all direct and indirect fees, commissions,
30 penalties, and other compensation paid by or on behalf of the
31 investment advisor or consultant in connection with the
32 provision of those services and shall update that disclosure
33 promptly after a modification of those payments or an
34 additional payment.

1 The disclosures required by this subsection shall be in
2 writing and shall include the date and amount of each payment
3 and the name and address of each recipient of a payment.

4 Notwithstanding any other provision of law, the Board shall
5 comply with the Business Enterprise for Minorities, Females,
6 and Persons with Disabilities Act. The Board shall post upon
7 its website the percentage of its contracts awarded under this
8 subsection currently and during the preceding 5 fiscal years
9 that were awarded to "minority owned businesses", "female owned
10 businesses", and "businesses owned by a person with a
11 disability", as those terms are defined in the Business
12 Enterprise for Minorities, Females, and Persons with
13 Disabilities Act.

14 (Source: P.A. 84-1127.)

15 (40 ILCS 5/2-152 rep.)

16 (40 ILCS 5/2-155 rep.)

17 (40 ILCS 5/12-190.3 rep.)

18 (40 ILCS 5/13-806 rep.)

19 (40 ILCS 5/14-148 rep.)

20 (40 ILCS 5/15-186 rep.)

21 (40 ILCS 5/15-189 rep.)

22 (40 ILCS 5/16-191 rep.)

23 (40 ILCS 5/16-198 rep.)

24 (40 ILCS 5/18-159 rep.)

25 (40 ILCS 5/18-162 rep.)

26 Section 40. The Illinois Pension Code is amended by
27 repealing Sections 2-152, 2-155, 12-190.3, 13-806, 14-148,
28 15-186, 15-189, 16-191, 16-198, 18-159, and 18-162.

29 Section 90. The State Mandates Act is amended by adding
30 Section 8.30 as follows:

31 (30 ILCS 805/8.30 new)

1 Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8
2 of this Act, no reimbursement by the State is required for the
3 implementation of any mandate created by this amendatory Act of
4 the 94th General Assembly.

5 Section 98. Severability. The provisions of this Act are
6 severable under Section 1.31 of the Statute on Statutes.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".