



Rep. Constance A. Howard

Filed: 4/1/2009

09600HB4320ham001

LRB096 11819 JAM 24896 a

1 AMENDMENT TO HOUSE BILL 4320

2 AMENDMENT NO. _____. Amend House Bill 4320 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Governmental Ethics Act is amended
5 by changing Sections 4A-102, 4A-103, and 4A-104 as follows:

6 (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

7 Sec. 4A-102. The statement of economic interests required
8 by this Article shall include the economic interests of the
9 person making the statement as provided in this Section. The
10 interest (if constructively controlled by the person making the
11 statement) of a spouse or any other party, shall be considered
12 to be the same as the interest of the person making the
13 statement. Campaign receipts shall not be included in this
14 statement.

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

1 (1) The name, address and type of practice of any
2 professional organization or individual professional
3 practice in which the person making the statement was an
4 officer, director, associate, partner or proprietor, or
5 served in any advisory capacity, from which income in
6 excess of \$1200 was derived during the preceding calendar
7 year;

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

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

19 (4) The name of any unit of government which has
20 employed the person making the statement during the
21 preceding calendar year other than the unit or units of
22 government in relation to which the person is required to
23 file.

24 (5) For each ~~The name of any entity from which a~~ gift
25 or gifts, or honorarium or honoraria, valued singly or in
26 the aggregate in excess of \$500 received during the

1 preceding calendar year: (i) the name of the entity from
2 which it was received; and (ii) a description of each gift,
3 its estimated dollar value, and the date it was received.
4 The requirements of clause (ii) do not apply to any gift or
5 honorarium provided by a person's father, mother, son,
6 daughter, brother, sister, uncle, aunt, great aunt, great
7 uncle, first cousin, nephew, niece, husband, wife,
8 grandfather, grandmother, grandson, granddaughter,
9 father-in-law, mother-in-law, son-in-law, daughter-in-law,
10 brother-in-law, sister-in-law, stepfather, stepmother,
11 stepson, stepdaughter, stepbrother, stepsister, half
12 brother, half sister, and including the father, mother,
13 grandfather, or grandmother of the individual's spouse and
14 the individual's fiance or fiancée., ~~was received during~~
15 ~~the preceding calendar year.~~

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

18 (1) The name and instrument of ownership in any entity
19 doing business in the State of Illinois, in which an
20 ownership interest held by the person at the date of filing
21 is in excess of \$5,000 fair market value or from which
22 dividends of in excess of \$1,200 were derived 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

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) 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

1 listed.

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

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

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

20 (5 ILCS 420/4A-103) (from Ch. 127, par. 604A-103)

21 Sec. 4A-103. The statement of economic interests required
22 by this Article to be filed with the Secretary of State shall
23 be filled in by typewriting or hand printing, shall be
24 verified, dated, and signed by the person making the statement
25 and shall contain substantially the following:

STATEMENT OF ECONOMIC INTEREST

(TYPE OR HAND PRINT)

.....

(name)

.....

(each office or position of employment for which this statement is filed)

.....

(full mailing address)

GENERAL DIRECTIONS:

The interest (if constructively controlled by the person making the statement) of a spouse or any other party, shall be considered to be the same as the interest of the person making the statement.

Campaign receipts shall not be included in this statement.

If additional space is needed, please attach supplemental listing.

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

1	Business Entity	Instrument of Ownership
2	.....	.....
3	.....	.....
4	.....	.....
5	.....	.....

6 2. List the name, address and type of practice of any
7 professional organization in which the person making the
8 statement was an officer, director, associate, partner or
9 proprietor or served in any advisory capacity, from which
10 income in excess of \$1,200 was derived during the preceding
11 calendar year.

12	Name	Address	Type of Practice
13	.....	.....	.....
14	.....	.....	.....
15	.....	.....	.....

16 3. List the nature of professional services rendered (other
17 than to the State of Illinois) to each entity from which income
18 exceeding \$5,000 was received for professional services
19 rendered during the preceding calendar year by the person
20 making the statement.

21
22

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

1
 2

3 5. List the identity of any compensated lobbyist with whom
 4 the person making the statement maintains a close economic
 5 association, including the name of the lobbyist and specifying
 6 the legislative matter or matters which are the object of the
 7 lobbying activity, and describing the general type of economic
 8 activity of the client or principal on whose behalf that person
 9 is lobbying.

Lobbyist	Legislative Matter	Client or Principal
11
12

13 6. List the name of any entity doing business in the State
 14 of Illinois from which income in excess of \$1,200 was derived
 15 during the preceding calendar year other than for professional
 16 services and the title or description of any position held in
 17 that entity. (In the case of real estate, location thereof
 18 shall be listed by street address, or if none, then by legal
 19 description). No time or demand deposit in a financial
 20 institution nor any debt instrument need be listed.

Entity	Position Held
22
23
24

25 7. List the name of any unit of government which employed
 26 the person making the statement during the preceding calendar

1 year other than the unit or units of government in relation to
2 which the person is required to file.

3
4

5 8. For each gift or gifts, or honorarium or honoraria,
6 valued singly or in the aggregate in excess of \$500 received
7 during the preceding calendar year, list: (i) the name of the
8 entity from which it was received; and (ii) a description of
9 each gift, its estimated dollar value, and the date it was
10 received. Requirement (ii) does not apply to any gift or
11 honorarium provided by a person's father, mother, son,
12 daughter, brother, sister, uncle, aunt, great aunt, great
13 uncle, first cousin, nephew, niece, husband, wife,
14 grandfather, grandmother, grandson, granddaughter,
15 father-in-law, mother-in-law, son-in-law, daughter-in-law,
16 brother-in-law, sister-in-law, stepfather, stepmother,
17 stepson, stepdaughter, stepbrother, stepsister, half brother,
18 half sister, and including the father, mother, grandfather, or
19 grandmother of the individual's spouse and the individual's
20 fiance or fiancée. List the name of any entity from which a
21 gift or gifts, or honorarium or honoraria, valued singly or in
22 the aggregate in excess of \$500, was received during the
23 preceding calendar year.

24

25 VERIFICATION:

26 "I declare that this statement of economic interests

1 (including any accompanying schedules and statements) has been
 2 examined by me and to the best of my knowledge and belief is a
 3 true, correct and complete statement of my economic interests
 4 as required by the Illinois Governmental Ethics Act. I
 5 understand that the penalty for willfully filing a false or
 6 incomplete statement shall be a fine not to exceed \$1,000 or
 7 imprisonment in a penal institution other than the penitentiary
 8 not to exceed one year, or both fine and imprisonment."

9

10 (date of filing) (signature of person making the statement)

11 (Source: P.A. 95-173, eff. 1-1-08.)

12 (5 ILCS 420/4A-104) (from Ch. 127, par. 604A-104)

13 Sec. 4A-104. The statement of economic interests required
 14 by this Article to be filed with the county clerk shall be
 15 filled in by typewriting or hand printing, shall be verified,
 16 dated, and signed by the person making the statement and shall
 17 contain substantially the following:

18 STATEMENT OF ECONOMIC INTERESTS

19 (TYPE OR HAND PRINT)

20

21 (Name)

22

23 (each office or position of employment for which this statement
 24 is filed)

25 (full mailing address)

1 GENERAL DIRECTIONS:

2 The interest (if constructively controlled by the person
3 making the statement) of a spouse or any other party, shall be
4 considered to be the same as the interest of the person making
5 the statement.

6 Campaign receipts shall not be included in this statement.

7 If additional space is needed, please attach supplemental
8 listing.

9 1. List the name and instrument of ownership in any entity
10 doing business with a unit of local government in relation to
11 which the person is required to file, in which the ownership
12 interest held by the person at the date of filing is in excess
13 of \$5,000 fair market value or from which dividends in excess
14 of \$1,200 were received during the preceding calendar year. (In
15 the case of real estate, location thereof shall be listed by
16 street address, or if none, then by legal description.) No time
17 or demand deposit in a financial institution, nor any debt
18 instrument shall be listed.

19 Business	Instrument of	Position of
20 Entity	Ownership	Management
21
22
23

24 2. List the name, address and type of practice of any
25 professional organization in which the person making the
26 statement was an officer, director, associate, partner or

1 proprietor, or served in any advisory capacity, from which
 2 income in excess of \$1,200 was derived during the preceding
 3 calendar year.

4	Name	Address	Type of Practice
5
6
7

8 3. List the nature of professional services rendered (other
 9 than to the unit or units of local government in relation to
 10 which the person is required to file) to each entity from which
 11 income exceeding \$5,000 was received for professional services
 12 rendered during the preceding calendar year by the person
 13 making the statement.

14

15

16 4. List the identity (including the address or legal
 17 description of real estate) of any capital asset from which a
 18 capital gain of \$5,000 or more was realized during the
 19 preceding calendar year.

20

21

22

23 5. List the name of any entity and the nature of the
 24 governmental action requested by any entity which has applied
 25 to a unit of local government in relation to which the person
 26 must file for any license, franchise or permit for annexation,

1 zoning or rezoning of real estate during the preceding calendar
 2 year if the ownership interest of the person filing is in
 3 excess of \$5,000 fair market value at the time of filing or if
 4 income or dividends in excess of \$1200 were received by the
 5 person filing from the entity during the preceding calendar
 6 year.

7
 8
 9

10 6. List the name of any entity doing business with a unit
 11 of local government in relation to which the person is required
 12 to file from which income in excess of \$1,200 was derived
 13 during the preceding calendar year other than for professional
 14 services and the title or description of any position held in
 15 that entity. No time or demand deposit in a financial
 16 institution nor any debt instrument need be listed.

17
 18

19 7. List the name of any unit of government which employed
 20 the person making the statement during the preceding calendar
 21 year other than the unit or units of government in relation to
 22 which the person is required to file.

23
 24

25 8. For each gift or gifts, or honorarium or honoraria,
 26 valued singly or in the aggregate in excess of \$500 received

1 during the preceding calendar year, list: (i) the name of the
 2 entity from which it was received; and (ii) a description of
 3 each gift, its estimated dollar value, and the date it was
 4 received. Requirement (ii) does not apply to any gift or
 5 honorarium provided by a person's father, mother, son,
 6 daughter, brother, sister, uncle, aunt, great aunt, great
 7 uncle, first cousin, nephew, niece, husband, wife,
 8 grandfather, grandmother, grandson, granddaughter,
 9 father-in-law, mother-in-law, son-in-law, daughter-in-law,
 10 brother-in-law, sister-in-law, stepfather, stepmother,
 11 stepson, stepdaughter, stepbrother, stepsister, half brother,
 12 half sister, and including the father, mother, grandfather, or
 13 grandmother of the individual's spouse and the individual's
 14 fiance or fiancée. List the name of any entity from which a
 15 gift or gifts, or honorarium or honoraria, valued singly or in
 16 the aggregate in excess of \$500, was received during the
 17 preceding calendar year.

18

19 VERIFICATION:

20 "I declare that this statement of economic interests
 21 (including any accompanying schedules and statements) has been
 22 examined by me and to the best of my knowledge and belief is a
 23 true, correct and complete statement of my economic interests
 24 as required by the Illinois Governmental Ethics Act. I
 25 understand that the penalty for willfully filing a false or
 26 incomplete statement shall be a fine not to exceed \$1,000 or

1 imprisonment in a penal institution other than the penitentiary
2 not to exceed one year, or both fine and imprisonment."

3

4 (date of filing) (signature of person making the statement)

5 (Source: P.A. 95-173, eff. 1-1-08.)

6 Section 10. The State Officials and Employees Ethics Act is
7 amended by changing Sections 1-5, 5-30, 5-45, 15-5, 15-25,
8 20-5, 20-10, 20-20, 20-21, 20-45, 20-50, 20-60, 20-65, 20-70,
9 20-80, 20-85, 20-90, 20-95, and 50-5 and by adding Sections
10 5-31, 20-20a, 20-51, 20-52, 20-53, 20-54, and 50-10 as follows:

11 (5 ILCS 430/1-5)

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

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

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

1 Act), (ii) relating to collective bargaining, or (iii) that are
2 otherwise in furtherance of the person's official State duties.

3 "Candidate" means a person who has filed nominating papers
4 or petitions for nomination or election to an elected State
5 office, or who has been appointed to fill a vacancy in
6 nomination, and who remains eligible for placement on the
7 ballot at either a general primary election or general
8 election.

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

12 "Commission" means an ethics commission created by this
13 Act.

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

19 "Compensatory time off" means authorized time off earned by
20 or awarded to a State employee to compensate in whole or in
21 part for time worked in excess of the minimum work time
22 required of that employee as a condition of employment with a
23 State agency.

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

26 "Employee" means (i) any person employed full-time,

1 part-time, or pursuant to a contract and whose employment
2 duties are subject to the direction and control of an employer
3 with regard to the material details of how the work is to be
4 performed or (ii) any appointee.

5 "Employment benefits" include but are not limited to the
6 following: modified compensation or benefit terms; compensated
7 time off; or change of title, job duties, or location of office
8 or employment. An employment benefit may also include favorable
9 treatment in determining whether to bring any disciplinary or
10 similar action or favorable treatment during the course of any
11 disciplinary or similar action or other performance review.

12 "Executive branch constitutional officer" means the
13 Governor, Lieutenant Governor, Attorney General, Secretary of
14 State, Comptroller, and Treasurer.

15 "Gift" means any gratuity, discount, entertainment,
16 hospitality, loan, forbearance, or other tangible or
17 intangible item having monetary value including, but not
18 limited to, cash, food and drink, and honoraria for speaking
19 engagements related to or attributable to government
20 employment or the official position of an employee, member, or
21 officer.

22 "Governmental entity" means a unit of local government
23 (including a community college district) or a school district
24 but not a State agency.

25 "Leave of absence" means any period during which a State
26 employee does not receive (i) compensation for State

1 employment, (ii) service credit towards State pension
2 benefits, and (iii) health insurance benefits paid for by the
3 State.

4 "Legislative branch constitutional officer" means a member
5 of the General Assembly and the Auditor General.

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

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

10 "Officer" means an executive branch constitutional officer
11 or a legislative branch constitutional officer.

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

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

1 Board of Elections or a county clerk.

2 "Prohibited political activity" means:

3 (1) Preparing for, organizing, or participating in any
4 political meeting, political rally, political
5 demonstration, or other political event.

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

10 (3) Soliciting, planning the solicitation of, or
11 preparing any document or report regarding any thing of
12 value intended as a campaign contribution.

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

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

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

26 (7) Soliciting votes on behalf of a candidate for

1 elective office or a political organization or for or
2 against any referendum question or helping in an effort to
3 get voters to the polls.

4 (8) Initiating for circulation, preparing,
5 circulating, reviewing, or filing any petition on behalf of
6 a candidate for elective office or for or against any
7 referendum question.

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

11 (10) Preparing or reviewing responses to candidate
12 questionnaires in connection with a campaign for elective
13 office or on behalf of a political organization for
14 political purposes.

15 (11) Distributing, preparing for distribution, or
16 mailing campaign literature, campaign signs, or other
17 campaign material on behalf of any candidate for elective
18 office or for or against any referendum question.

19 (12) Campaigning for any elective office or for or
20 against any referendum question.

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

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

25 (15) Participating in any recount or challenge to the
26 outcome of any election, except to the extent that under

1 subsection (d) of Section 6 of Article IV of the Illinois
2 Constitution each house of the General Assembly shall judge
3 the elections, returns, and qualifications of its members.

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

5 (1) is seeking official action (i) by the member or
6 officer or (ii) in the case of an employee, by the employee
7 or by the member, officer, State agency, or other employee
8 directing the employee;

9 (2) does business or seeks to do business (i) with the
10 member or officer or (ii) in the case of an employee, with
11 the employee or with the member, officer, State agency, or
12 other employee directing the employee;

13 (3) conducts activities regulated (i) by the member or
14 officer or (ii) in the case of an employee, by the employee
15 or by the member, officer, State agency, or other employee
16 directing the employee;

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

20 (5) is registered or required to be registered with the
21 Secretary of State under the Lobbyist Registration Act,
22 except that an entity not otherwise a prohibited source
23 does not become a prohibited source merely because a
24 registered lobbyist is one of its members or serves on its
25 board of directors; or

26 (6) is an agent of, a spouse of, or an immediate family

1 member who is living with a "prohibited source".

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

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

23 "Ultimate jurisdictional authority" means the following:

24 (1) For members, legislative partisan staff, and
25 legislative secretaries, the appropriate legislative
26 leader: President of the Senate, Minority Leader of the

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

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

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

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

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

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

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

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

1 (Source: P.A. 95-880, eff. 8-19-08.)

2 (5 ILCS 430/5-30)

3 Sec. 5-30. Prohibited offer or promise. An officer or
4 employee of the executive or legislative branch or a candidate
5 for an executive or legislative branch office may not provide,
6 attempt to provide, offer, or promise, directly or indirectly,
7 anything of value related to State government, including but
8 not limited to positions in State government, promotions, ~~or~~
9 salary increases, other employment benefits, board or
10 commission appointments, favorable treatment in any official
11 or regulatory matter, the awarding of any public contract, or
12 action or inaction on any legislative or regulatory matter, in
13 consideration for a contribution to a political committee,
14 political party, or other person or entity that has as one of
15 its purposes the financial support of a candidate for elective
16 office.

17 Nothing in this Section prevents the making or accepting of
18 voluntary contributions otherwise in accordance with law.

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

20 (5 ILCS 430/5-31 new)

21 Sec. 5-31. Duty to report. Any State employee who is
22 requested or directed by an officer, member, or employee of the
23 executive or legislative branch or a candidate for an executive
24 or legislative branch office to engage in activity prohibited

1 by Section 5-30 shall report such request or directive to the
2 appropriate Inspector General.

3 (5 ILCS 430/5-45)

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

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

16 (b) No former officer of the executive branch or State
17 employee of the executive branch with regulatory or licensing
18 authority, or spouse or immediate family member living with
19 such person, shall, within a period of one year immediately
20 after termination of State employment, knowingly accept
21 employment or receive compensation or ~~of~~ fees for services from
22 a person or entity if the officer or State employee, during the
23 year immediately preceding termination of State employment,
24 participated personally and substantially in making ~~made~~ a
25 regulatory or licensing decision that directly applied to the

1 person or entity, or its parent or subsidiary. "Participated
2 personally and substantially" may be further defined by rules
3 adopted by the Executive Ethics Commission for the executive
4 branch, the Legislative Ethics Commission for the legislative
5 branch, and the Auditor General for the Auditor General and
6 employees of the Office of the Auditor General.

7 ~~(e) The requirements of this Section may be waived (i) for~~
8 ~~the executive branch, in writing by the Executive Ethics~~
9 ~~Commission, (ii) for the legislative branch, in writing by the~~
10 ~~Legislative Ethics Commission, and (iii) for the Auditor~~
11 ~~General, in writing by the Auditor General. During the time~~
12 ~~period from the effective date of this amendatory Act of the~~
13 ~~93rd General Assembly until the Executive Ethics Commission~~
14 ~~first meets, the requirements of this Section may be waived in~~
15 ~~writing by the appropriate ultimate jurisdictional authority.~~
16 ~~During the time period from the effective date of this~~
17 ~~amendatory Act of the 93rd General Assembly until the~~
18 ~~Legislative Ethics Commission first meets, the requirements of~~
19 ~~this Section may be waived in writing by the appropriate~~
20 ~~ultimate jurisdictional authority. The waiver shall be granted~~
21 ~~upon a showing that the prospective employment or relationship~~
22 ~~did not affect the decisions referred to in sections (a) and~~
23 ~~(b).~~

24 (c) Each of the officers, agencies, and entities referenced
25 in Section 5-5(a) of this Act shall adopt a policy delineating
26 which State positions under his, her, or its jurisdiction and

1 control, by the nature of their duties, may have the authority
2 to participate personally and substantially in the award of
3 State contracts or in regulatory or licensing decisions. The
4 Governor shall adopt such a policy for all State employees of
5 the executive branch not under the jurisdiction and control of
6 any other executive branch constitutional officer. ~~(d) This~~
7 ~~Section applies only to persons who terminate an affected~~
8 ~~position on or after the effective date of this amendatory Act~~
9 ~~of the 93rd General Assembly.~~

10 (d) The policies required under subsection (c) of this
11 Section shall be filed with the appropriate ethics commission
12 established under this Act or, for the Auditor General, with
13 the Office of the Auditor General.

14 (e) The policies required under subsection (c) of this
15 Section shall be adopted by the applicable entity within 6
16 months after the effective date of this amendatory Act of the
17 96th General Assembly.

18 (f) Each Inspector General shall have the authority to
19 determine that additional State positions under his or her
20 jurisdiction, not otherwise subject to the policies required by
21 subsection (c) of this Section, are nonetheless subject to the
22 notification requirement of subsection (h) below due to their
23 involvement in the award of State contracts or in regulatory or
24 licensing decisions.

25 (g) Each of the officers, agencies, and entities subject to
26 subsection (c) of this Section shall provide written

1 notification in the following forms to all employees in
2 positions subject to the policies required by subsection (c) or
3 a determination made under subsection (f):

4 (1) upon hiring, promotion, or transfer into the
5 relevant position; at the time the employee's duties are
6 changed in such a way as to qualify that employee; or upon
7 a determination made under subsection (f); and

8 (2) as part of the employee's ethics training provided
9 pursuant to Section 5-10 of this Act.

10 (h) Any State employee in a position subject to the
11 policies required by subsection (c) or to a determination under
12 subsection (f), but who does not fall within the prohibition of
13 subsection (j) below, who is offered non-State employment
14 during State employment or within a period of one year
15 immediately after termination of State employment shall, prior
16 to accepting such non-State employment, notify the appropriate
17 Inspector General. Such Inspector General shall make a
18 determination as to whether the State employee is restricted
19 from accepting such employment by subsection (a) or (b). In
20 making a determination, in addition to any other relevant
21 information, an Inspector General shall assess the effect of
22 the prospective employment or relationship upon decisions
23 referred to in subsections (a) and (b), based on the totality
24 of the participation by the former officer, member, or State
25 employee in those decisions. For purposes of this subsection,
26 "appropriate Inspector General" means (i) for members and

1 employees of the legislative branch, the Legislative Inspector
2 General; (ii) for the Auditor General and employees of the
3 Office of the Auditor General, the Inspector General provided
4 for in Section 30-5 of this Act; and (iii) for executive branch
5 officers and employees, the Inspector General having
6 jurisdiction over the officer or employee.

7 (i) An Inspector General's determination regarding
8 restrictions under subsection (a) or (b) may be appealed to the
9 appropriate Ethics Commission. Notice of any determination of
10 an Inspector General and of any such appeal shall be given to
11 the Attorney General.

12 On appeal, the Ethics Commission or Auditor General shall
13 seek, accept, and consider written public comments regarding a
14 determination. In deciding whether to uphold an Inspector
15 General's determination, the appropriate Ethics Commission or
16 Auditor General shall assess, in addition to any other relevant
17 information, the effect of the prospective employment or
18 relationship upon the decisions referred to in subsections (a)
19 and (b), based on the totality of the participation by the
20 former officer, member, or State employee in those decisions.

21 (j) The following officers, members, or State employees
22 shall not, within a period of one year immediately after
23 termination of State employment, knowingly accept employment
24 or receive compensation or fees for services from a person or
25 entity if the person or entity or its parent or subsidiary,
26 during the year immediately preceding termination of State

1 employment, was a party to a State contract or contracts with a
2 cumulative value of \$25,000 or more or was the subject of a
3 regulatory or licensing decision involving the officer,
4 member, or State employee's State agency, regardless of whether
5 he or she participated personally and substantially in the
6 award of the State contract or contracts or the making of the
7 regulatory or licensing decision in question:

8 (1) members or officers;

9 (2) members of a commission or board created by the
10 Illinois Constitution;

11 (3) persons whose appointment to office is subject to
12 confirmation by the Senate;

13 (4) the head of a department, commission, board,
14 division, bureau, authority, or other administrative unit
15 within the government of this State;

16 (5) chief procurement officers, associate procurement
17 officers, State purchasing officers, and their designees
18 whose duties are directly related to State procurement;

19 (6) agency or office legal counsels;

20 (7) chiefs of staff, deputy chiefs of staff, associate
21 chiefs of staff, assistant chiefs of staff, and deputy
22 governors; and

23 (8) those who function as or who exercise similar
24 authority within the government of this State to those
25 enumerated in this subsection.

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

1 (5 ILCS 430/15-5)

2 Sec. 15-5. Definitions. In this Article:

3 "Public body" means (1) any officer, member, or State
4 agency; (2) the federal government; (3) any local law
5 enforcement agency or prosecutorial office; (4) any federal or
6 State judiciary, grand or petit jury, law enforcement agency,
7 or prosecutorial office; and (5) any officer, employee,
8 department, agency, or other division of any of the foregoing.

9 "Supervisor" means an officer, a member, or a State
10 employee who has the authority to direct and control the work
11 performance of a State employee or who has authority to take
12 corrective action regarding any violation of a law, rule, or
13 regulation of which the State employee complains.

14 "Retaliatory action" means the reprimand, discharge,
15 suspension, demotion, ~~or~~ denial of promotion or transfer, or
16 change of any State employee in the terms or ~~and~~ conditions of
17 employment of any State employee, ~~and~~ that is taken in
18 retaliation for a State employee's involvement in protected
19 activity, as set forth in Section 15-10.

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

21 (5 ILCS 430/15-25)

22 Sec. 15-25. Remedies. The State employee may be awarded
23 all remedies necessary to make the State employee whole and to
24 prevent future violations of this Article. The circuit courts

1 of this State shall have jurisdiction to hear cases brought
2 under this Article. Remedies imposed by the court may include,
3 but are not limited to, all of the following:

4 (1) reinstatement of the employee to either the same
5 position held before the retaliatory action or to an
6 equivalent position;

7 (2) 2 times the amount of back pay;

8 (3) interest on the back pay;

9 (4) the reinstatement of full fringe benefits and
10 seniority rights; and

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

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

14 (5 ILCS 430/20-5)

15 Sec. 20-5. Executive Ethics Commission.

16 (a) The Executive Ethics Commission is created.

17 (b) The Executive Ethics Commission shall consist of 9
18 commissioners. The Governor shall appoint 5 commissioners, and
19 the Attorney General, Secretary of State, Comptroller, and
20 Treasurer shall each appoint one commissioner; provided,
21 however, that beginning July 1, 2011, the Executive Ethics
22 Commission shall consist of 7 commissioners. The Governor shall
23 appoint 3 commissioners, and the Attorney General, Secretary of
24 State, Comptroller, and Treasurer shall each appoint one
25 commissioner. The Governor shall appoint 2 commissioners to

1 terms commencing July 1, 2011. The incumbent commissioners
2 whose 4-year terms expire after June 30, 2011, shall continue
3 to serve until the expiration of their terms of office.

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

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

1 After the initial terms, commissioners shall serve for
2 4-year terms commencing on July 1 of the year of appointment
3 and running through June 30 of the fourth following year;
4 provided, however, that beginning with the commissioners whose
5 appointments commence on July 1, 2011, commissioners shall be
6 appointed for 6-year terms, commencing on July 1 of the year of
7 appointment and running through June 30 of the sixth following
8 year. Commissioners having served in excess of 5 years as
9 members of the Commission shall be ineligible for
10 reappointment. ~~may be reappointed to one or more subsequent~~
11 ~~terms.~~

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

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

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

1 (d) The Executive Ethics Commission shall have
2 jurisdiction over all officers and employees of State agencies
3 other than the General Assembly, the Senate, the House of
4 Representatives, the President and Minority Leader of the
5 Senate, the Speaker and Minority Leader of the House of
6 Representatives, the Senate Operations Commission, the
7 legislative support services agencies, and the Office of the
8 Auditor General. The jurisdiction of the Commission is limited
9 to matters arising under this Act, except with regard to
10 oversight of investigations undertaken by the Executive
11 Inspector General consistent with the broader authority set
12 forth in Section 20-10 (c) of this Act.

13 (e) The Executive Ethics Commission must meet, either in
14 person or by other technological means, at least monthly and as
15 often as necessary. At the first meeting of the Executive
16 Ethics Commission, the commissioners shall choose from their
17 number a chairperson and other officers that they deem
18 appropriate. The terms of officers shall be for 2 years
19 commencing July 1 and running through June 30 of the second
20 following year. Meetings shall be held at the call of the
21 chairperson or any 3 commissioners. Official action by the
22 Commission shall require the affirmative vote of 4 ~~5~~
23 commissioners, and a quorum shall consist of 3 ~~5~~ commissioners.
24 Commissioners shall receive compensation in an amount equal to
25 the compensation of members of the State Board of Elections and
26 may be reimbursed for their reasonable expenses actually

1 incurred in the performance of their duties.

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

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

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

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

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

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

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

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

24 (5 ILCS 430/20-10)

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

1 (a) Five independent Offices of the Executive Inspector
2 General are created, one each for the Governor, the Attorney
3 General, the Secretary of State, the Comptroller, and the
4 Treasurer. Each Office shall be under the direction and
5 supervision of an Executive Inspector General and shall be a
6 fully independent office with separate appropriations.

7 (b) The Governor, Attorney General, Secretary of State,
8 Comptroller, and Treasurer shall each appoint an Executive
9 Inspector General, without regard to political affiliation and
10 solely on the basis of integrity and demonstrated ability.
11 Appointments shall be made by and with the advice and consent
12 of the Senate by three-fifths of the elected members concurring
13 by record vote. Any nomination not acted upon by the Senate
14 within 60 session days of the receipt thereof shall be deemed
15 to have received the advice and consent of the Senate. If,
16 during a recess of the Senate, there is a vacancy in an office
17 of Executive Inspector General, the appointing authority shall
18 make a temporary appointment until the next meeting of the
19 Senate when the appointing authority shall make a nomination to
20 fill that office. No person rejected for an office of Executive
21 Inspector General shall, except by the Senate's request, be
22 nominated again for that office at the same session of the
23 Senate or be appointed to that office during a recess of that
24 Senate.

25 Nothing in this Article precludes the appointment by the
26 Governor, Attorney General, Secretary of State, Comptroller,

1 or Treasurer of any other inspector general required or
2 permitted by law. The Governor, Attorney General, Secretary of
3 State, Comptroller, and Treasurer each may appoint an existing
4 inspector general as the Executive Inspector General required
5 by this Article, provided that such an inspector general is not
6 prohibited by law, rule, jurisdiction, qualification, or
7 interest from serving as the Executive Inspector General
8 required by this Article. An appointing authority may not
9 appoint a relative as an Executive Inspector General.

10 Each Executive Inspector General shall have the following
11 qualifications:

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

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

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

24 The term of each initial Executive Inspector General shall
25 commence upon qualification and shall run through June 30,
26 2008. ~~The initial appointments shall be made within 60 days~~

1 ~~after the effective date of this Act.~~

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

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

11 Terms shall run regardless of whether the position is
12 filled.

13 (c) The Executive Inspector General appointed by the
14 Attorney General shall have jurisdiction over the Attorney
15 General and all officers and employees of, and vendors and
16 others doing business with, State agencies within the
17 jurisdiction of the Attorney General. The Executive Inspector
18 General appointed by the Secretary of State shall have
19 jurisdiction over the Secretary of State and all officers and
20 employees of, and vendors and others doing business with, State
21 agencies within the jurisdiction of the Secretary of State. The
22 Executive Inspector General appointed by the Comptroller shall
23 have jurisdiction over the Comptroller and all officers and
24 employees of, and vendors and others doing business with, State
25 agencies within the jurisdiction of the Comptroller. The
26 Executive Inspector General appointed by the Treasurer shall

1 have jurisdiction over the Treasurer and all officers and
2 employees of, and vendors and others doing business with, State
3 agencies within the jurisdiction of the Treasurer. The
4 Executive Inspector General appointed by the Governor shall
5 have jurisdiction over the Governor, the Lieutenant Governor,
6 and all officers and employees of, and vendors and others doing
7 business with, executive branch State agencies under the
8 jurisdiction of the Executive Ethics Commission and not within
9 the jurisdiction of the Attorney General, the Secretary of
10 State, the Comptroller, or the Treasurer.

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

16 (d) The minimum compensation for each Executive Inspector
17 General shall be determined by the Executive Ethics Commission,
18 and shall be made from appropriations made to the Comptroller
19 for this purpose. The actual compensation for each Executive
20 Inspector General shall be determined by the appointing
21 executive branch constitutional officer and must be at or above
22 the minimum compensation level set by the Executive Ethics
23 Commission. Subject to Section 20-45 of this Act, each
24 Executive Inspector General has full authority to organize his
25 or her Office of the Executive Inspector General, including the
26 employment and determination of the compensation of staff, such

1 as deputies, assistants, and other employees, as
2 appropriations permit. A separate appropriation shall be made
3 for each Office of Executive Inspector General, and such
4 appropriation shall be exempt from supervision by the
5 Governor's Office of Management and Budget except for the
6 processing of budget submissions.

7 (e) No Executive Inspector General or employee of the
8 Office of the Executive Inspector General may, during his or
9 her term of appointment or employment:

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

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

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

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

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

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

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

1 (2) hold any elected public office; or

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

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

6 (f) An Executive Inspector General may be removed only for
7 cause and may be removed only by the appointing constitutional
8 officer. At the time of the removal, the appointing
9 constitutional officer must report to the Executive Ethics
10 Commission the justification for the removal.

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

12 (5 ILCS 430/20-20)

13 Sec. 20-20. Duties of the Executive Inspectors General. In
14 addition to duties otherwise assigned by law, each Executive
15 Inspector General shall have the following duties:

16 (1) To receive and investigate allegations of
17 violations of this Act. The Executive Inspector General may
18 initiate an investigation upon the receipt of ~~receive~~
19 information from ~~through~~ the Office of any Executive
20 Inspector General, ~~or through~~ an ethics commission, or any
21 other source. ~~An investigation may be conducted only in~~
22 ~~response to information reported to the Executive~~
23 ~~Inspector General as provided in this Section and not upon~~
24 ~~his or her own prerogative.~~ Complaints ~~Allegations~~ may not
25 be filed ~~made~~ anonymously. An investigation may not be

1 initiated more than 3 years ~~one year~~ after the most recent
2 act of the alleged violation or of a series of alleged
3 violations except where there is reasonable cause to
4 believe that fraudulent concealment has occurred. To
5 constitute fraudulent concealment sufficient to toll this
6 limitations period, there must be an affirmative act or
7 representation calculated to prevent discovery of the fact
8 that a violation has occurred. The Executive Inspector
9 General shall have the discretion to determine the
10 appropriate means of investigation as permitted by law.

11 (2) To request information relating to an
12 investigation from any person when the Executive Inspector
13 General deems that information necessary in conducting an
14 investigation.

15 (3) To issue subpoenas to compel the attendance of
16 witnesses for the purposes of testimony and production of
17 documents and other items for inspection and copying and to
18 make service of those subpoenas and subpoenas issued under
19 item (7) of Section 20-15.

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

21 (5) To file pleadings in the name of the Executive
22 Inspector General with the Executive Ethics Commission,
23 through the Attorney General, as provided in this Article
24 if the Attorney General finds that reasonable cause exists
25 to believe that a violation has occurred.

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

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

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

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

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

12 (5 ILCS 430/20-20a new)

13 Sec. 20-20a. Attorney General investigatory authority. In
14 addition to investigatory authority otherwise granted by law,
15 the Attorney General shall have the authority to investigate
16 violations of this Act pursuant to notice received under
17 Section 5-45, Section 20-52, or Section 20-53 of this Act. The
18 Attorney General shall have the discretion to determine the
19 appropriate means of investigation as permitted by law,
20 including (i) the request of information relating to an
21 investigation from any person when the Attorney General deems
22 that information necessary in conducting an investigation; and
23 (ii) the issuance of subpoenas to compel the attendance of
24 witnesses for the purposes of sworn testimony and production of
25 documents and other items for inspection and copying and the

1 service of those subpoenas.

2 Nothing in this Section shall be construed as granting the
3 Attorney General the authority to investigate alleged
4 misconduct pursuant to notice received under Section 5-45,
5 Section 20-52, or Section 20-53 of this Act, if the information
6 contained in the notice indicates that the alleged misconduct
7 was minor in nature. As used in this Section, misconduct that
8 is "minor in nature" means misconduct that was a violation of
9 office, agency, or department policy and not of this Act or any
10 other civil or criminal law, in which corrective or
11 disciplinary action has been imposed by the State agency
12 affected by or involved in the misconduct, or in which the
13 public interests will be served by the imposition of the
14 corrective or disciplinary action.

15 (5 ILCS 430/20-21)

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

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

1 made pursuant to this Act concerning an Executive Inspector
2 General or employee of an Office of an Executive Inspector
3 General and to investigate those allegations, and (iii) to
4 investigate matters within the jurisdiction of an Executive
5 Inspector General if an Executive Inspector General (including
6 his or her employees) could be reasonably deemed to be a
7 wrongdoer or suspect, or if in the determination of the
8 Commission, an investigation presents real or apparent
9 conflicts of interest for the Office of the Executive Inspector
10 General.

11 (b) A special Executive Inspector General must have the
12 same qualifications as an Executive Inspector General
13 appointed under Section 20-10.

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

17 (d) A special Executive Inspector General shall have the
18 same powers and duties with respect to the purpose of his or
19 her appointment as an Executive Inspector General appointed
20 under Section 20-10.

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

23 (f) The Commission may report the findings of a special
24 Executive Inspector General and its recommendations, if any, to
25 the appointing authority of the appropriate Executive
26 Inspector General.

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

2 (5 ILCS 430/20-45)

3 Sec. 20-45. Standing; representation.

4 (a) With the exception of a person appealing an Inspector
5 General's determination under Section 5-45 of this Act, only
6 ~~Only~~ an Executive Inspector General or the Attorney General may
7 bring actions before the Executive Ethics Commission. The
8 Attorney General may bring actions before the Executive Ethics
9 Commission pursuant to notice received under Section 5-45,
10 Section 20-51, or Section 20-52 of this Act.

11 (b) The Attorney General shall represent an Executive
12 Inspector General in all proceedings before the Commission.
13 Whenever the Attorney General is sick or absent, or unable to
14 attend, or is interested in any matter or proceeding under this
15 Act, upon the filing of a petition under seal by any person
16 with standing, the Supreme Court (or any other court of
17 competent jurisdiction as designated and determined by rule of
18 the Supreme Court) may appoint some competent attorney to
19 prosecute or defend that matter or proceeding, and the attorney
20 so appointed shall have the same power and authority in
21 relation to that matter or proceeding as the Attorney General
22 would have had if present and attending to the same.

23 (c) Attorneys representing an Inspector General in
24 proceedings before the Executive Ethics Commission, except an
25 attorney appointed under subsection (b), shall be appointed or

1 retained by the Attorney General, shall be under the
2 supervision, direction, and control of the Attorney General,
3 and shall serve at the pleasure of the Attorney General. The
4 compensation of any attorneys appointed or retained in
5 accordance with this subsection or subsection (b) shall be paid
6 by the appropriate Office of the Executive Inspector General.

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

8 (5 ILCS 430/20-50)

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

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

18 (b) The summary report of the investigation shall include
19 the following:

20 (1) A description of any allegations or other
21 information received by the Executive Inspector General
22 pertinent to the investigation.

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

25 (3) Recommendations for any corrective or disciplinary

1 action to be taken in response to any alleged misconduct
2 described in the report, including but not limited to
3 discharge.

4 (4) Other information the Executive Inspector General
5 deems relevant to the investigation or resulting
6 recommendations.

7 If the summary report recommends corrective or
8 disciplinary action as described in subsection (b) (3), the
9 appropriate ultimate jurisdictional authority or agency head
10 shall respond within 30 days, in writing, to the Executive
11 Inspector General and indicate what corrective or disciplinary
12 action it has imposed or intends to impose.

13 ~~(c) Not less than 30 days after delivery of the summary~~
14 ~~report of an investigation under subsection (a), if the~~
15 ~~Executive Inspector General desires to file a petition for~~
16 ~~leave to file a complaint, the Executive Inspector General~~
17 ~~shall notify the Commission and the Attorney General. If the~~
18 ~~Attorney General determines that reasonable cause exists to~~
19 ~~believe that a violation has occurred, then the Executive~~
20 ~~Inspector General, represented by the Attorney General, may~~
21 ~~file with the Executive Ethics Commission a petition for leave~~
22 ~~to file a complaint. The petition shall set forth the alleged~~
23 ~~violation and the grounds that exist to support the petition.~~
24 ~~The petition for leave to file a complaint must be filed with~~
25 ~~the Commission within 18 months after the most recent act of~~
26 ~~the alleged violation or of a series of alleged violations~~

1 ~~except where there is reasonable cause to believe that~~
2 ~~fraudulent concealment has occurred. To constitute fraudulent~~
3 ~~concealment sufficient to toll this limitations period, there~~
4 ~~must be an affirmative act or representation calculated to~~
5 ~~prevent discovery of the fact that a violation has occurred. If~~
6 ~~a petition for leave to file a complaint is not filed with the~~
7 ~~Commission within 6 months after notice by the Inspector~~
8 ~~General to the Commission and the Attorney General, then the~~
9 ~~Commission may set a meeting of the Commission at which the~~
10 ~~Attorney General shall appear and provide a status report to~~
11 ~~the Commission.~~

12 ~~(d) A copy of the petition must be served on all~~
13 ~~respondents named in the complaint and on each respondent's~~
14 ~~ultimate jurisdictional authority in the same manner as process~~
15 ~~is served under the Code of Civil Procedure.~~

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

19 ~~(f) The Commission shall meet, either in person or by~~
20 ~~telephone, in a closed session to review the sufficiency of the~~
21 ~~complaint. If the Commission finds that complaint is~~
22 ~~sufficient, the Commission shall grant the petition for leave~~
23 ~~to file the complaint. The Commission shall issue notice to the~~
24 ~~Executive Inspector General and all respondents of the~~
25 ~~Commission's ruling on the sufficiency of the complaint. If the~~
26 ~~complaint is deemed to sufficiently allege a violation of this~~

1 ~~Act, then the Commission shall notify the parties and shall~~
2 ~~include a hearing date scheduled within 4 weeks after the date~~
3 ~~of the notice, unless all of the parties consent to a later~~
4 ~~date. If the complaint is deemed not to sufficiently allege a~~
5 ~~violation, then the Commission shall send by certified mail,~~
6 ~~return receipt requested, a notice to the parties of the~~
7 ~~decision to dismiss the complaint.~~

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

13 ~~(h) Within an appropriate time limit set by rules of the~~
14 ~~Executive Ethics Commission, the Commission shall (i) dismiss~~
15 ~~the complaint or (ii) issue a recommendation of discipline to~~
16 ~~the respondent and the respondent's ultimate jurisdictional~~
17 ~~authority or impose an administrative fine upon the respondent,~~
18 ~~or both.~~

19 ~~(i) The proceedings on any complaint filed with the~~
20 ~~Commission shall be conducted pursuant to rules promulgated by~~
21 ~~the Commission.~~

22 ~~(j) The Commission may designate hearing officers to~~
23 ~~conduct proceedings as determined by rule of the Commission.~~

24 ~~(k) In all proceedings before the Commission, the standard~~
25 ~~of proof is by a preponderance of the evidence.~~

26 ~~(l) When the Inspector General concludes that there is~~

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

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

10 (5 ILCS 430/20-51 new)

11 Sec. 20-51. Executive Inspector General complaint
12 procedures.

13 (a) Within 30 days after receiving a response from the
14 ultimate jurisdictional authority or agency head as required by
15 Section 20-50, if the Executive Inspector General believes that
16 a complaint should be filed, the Executive Inspector General
17 shall deliver to the Attorney General a copy of the summary
18 report and the response of the ultimate jurisdictional
19 authority or agency head. The Executive Inspector General shall
20 notify the Executive Ethics Commission of the delivery of the
21 summary report and the response to the Attorney General. If the
22 Attorney General concludes that there is insufficient evidence
23 that a violation has occurred, the Attorney General shall
24 notify the Executive Ethics Commission and the appropriate
25 Executive Inspector General. If the Attorney General

1 determines that reasonable cause exists to believe that a
2 violation has occurred, then either the Attorney General or the
3 Executive Inspector General, represented by the Attorney
4 General, may file with the Executive Ethics Commission a
5 complaint.

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

20 (c) A copy of the complaint must be served on all
21 respondents named in the complaint and on each respondent's
22 ultimate jurisdictional authority in the same manner as process
23 is served under the Code of Civil Procedure.

24 (d) A respondent may file objections to the complaint
25 within 30 days after notice of the complaint has been served on
26 the respondent.

1 (e) A reply in support of the complaint may be filed within
2 14 days after notice of the respondent's objections has been
3 served on the petitioner.

4 (f) The Commission shall meet, either in person or by
5 telephone, in a closed session to review the sufficiency of the
6 complaint. If the Commission finds that complaint is
7 sufficient, the Commission shall issue notice to the parties of
8 the Commission's ruling on the sufficiency of the shall send by
9 certified mail, return receipt requested, a notice to the
10 parties of the decision to dismiss the complaint.

11 (g) If the complaint is deemed to sufficiently allege a
12 violation of this Act, the respondent may file an answer to the
13 complaint within 30 days after receiving notice of the
14 Commission's ruling.

15 (h) Within 7 days after the date for filing respondent's
16 answer, the Commission shall notify the parties and shall set a
17 hearing to be held within 60 days after the filing of the
18 respondent's answer, unless all of the parties consent to a
19 later date.

20 (i) On the scheduled date, the Commission shall conduct a
21 closed meeting, either in person or, if the parties consent, by
22 telephone, on the complaint and allow all parties the
23 opportunity to present testimony and evidence. All such
24 proceedings shall be transcribed.

25 (j) Within an appropriate time limit set by rules of the
26 Executive Ethics Commission, the Commission Commission shall

1 (i) dismiss the complaint or shall issue a recommendation of
2 discipline to the respondent and the respondent's ultimate
3 jurisdictional authority, (ii) issue injunctive relief as
4 described in Section 50-10, (iii) impose an administrative fine
5 as provided for in Section 50-5, or (iv) impose any combination
6 of (i) through (iii).

7 (k) The proceedings on any complaint filed with the
8 Commission shall be conducted pursuant to rules promulgated by
9 the Commission.

10 (l) The Commission may designate hearing officers to
11 conduct proceedings as determined by rule of the Commission.

12 (m) In all proceedings before the Commission, the standard
13 of proof is by a preponderance of the evidence.

14 (n) Within 30 days after the issuance of a final
15 administrative decision that concludes that a violation
16 occurred, the Executive Ethics Commission shall make public the
17 decision and any recommendation. The Commission shall also make
18 public the summary report and the response of the ultimate
19 jurisdictional authority or agency head, unless the Executive
20 Ethics Commission determines that the public interest in
21 disclosure is outweighed by other factors, including the need
22 for further investigation of related cases, protecting the
23 identity of witnesses, or fairness to the subject of the
24 investigation. The Executive Ethics Commission may redact
25 information in the summary report or response before making it
26 public or issue a digest of the summary report and response

1 without identifying information.

2 (5 ILCS 430/20-52 new)

3 Sec. 20-52. Review of Executive Inspectors Generals'
4 decisions.

5 (a) Within 30 days after receiving a response from the
6 ultimate jurisdictional authority or agency head as required by
7 Section 20-50, if the Executive Inspector General does not
8 believe that a complaint should be filed, the Executive
9 Inspector General shall deliver to the Executive Ethics
10 Commission a copy of the summary report and the response of the
11 ultimate jurisdictional authority or agency head. The
12 Executive Inspector General may also provide the Executive
13 Ethics Commission with a statement setting forth the basis for
14 the Inspector General's decision not to file a complaint. If,
15 after reviewing the summary report and the response, and the
16 statement, if any, the Commission believes that further
17 investigation is warranted, the Commission may request that the
18 Executive Inspector General provide additional information or
19 conduct further investigation. The Commission may also refer
20 the case to the Attorney General for investigation, review, or
21 additional enforcement. After reviewing the summary report and
22 response, and the statement, if any, if the Commission believes
23 a complaint should be filed, the Commission shall provide
24 notice to the Attorney General.

25 (b) If the Attorney General determines that reasonable

1 cause exists to believe that a violation has occurred, then the
2 Attorney General may file a complaint with the Executive Ethics
3 Commission following the procedures provided in Section 20-51.

4 (c) If the Attorney General concludes that there is
5 insufficient evidence that a violation has occurred, the
6 Attorney General shall notify the Executive Ethics Commission
7 and the appropriate Executive Inspector General.

8 (5 ILCS 430/20-53 new)

9 Sec. 20-53. Closed investigations no violation. When the
10 Executive Inspector General concludes that there is
11 insufficient evidence that a violation has occurred the
12 Executive Inspector General shall close the investigation. For
13 an investigation closed pursuant to this Section, the Executive
14 Ethics Commission has the discretion to request that the
15 Executive Inspector General deliver to the Commission a summary
16 report of the investigation. The Commission also has the
17 discretion to request that the Executive Inspector General
18 conduct further investigation of any matter closed pursuant to
19 this Section, or to refer the allegations to the Attorney
20 General for further review. At the request of the subject of
21 the investigation, the Executive Inspector General shall
22 provide a written statement to the subject of the investigation
23 and to the Commission of the Executive Inspector General's
24 decision to close the investigation. Closure by the Executive
25 Inspector General does not bar the Executive Inspector General

1 from resuming the investigation, nor does such closure bar the
2 Attorney General from investigating or filing a complaint, if
3 circumstances warrant.

4 (5 ILCS 430/20-54 new)

5 Sec. 20-54. Release of documents.

6 (a) Within 30 days after the closure of an investigation
7 where reasonable cause existed to believe that a violation of
8 the Act occurred, the Executive Ethics Commission shall make
9 public the summary report and the response of the ultimate
10 jurisdictional authority or agency head, unless the Executive
11 Ethics Commission determines that the public interest in
12 disclosure is outweighed by other factors, including the need
13 for further investigation of the case or related cases,
14 protecting the identity of witnesses, or fairness to the
15 subject of the investigation. The Executive Ethics Commission
16 may redact information in the summary report or response before
17 making it public or issue a digest of the summary report and
18 response without identifying information. In determining
19 whether to make a summary report and response public in its
20 entirety, in a redacted form, in a digest form, or not at all,
21 the Executive Ethics Commission shall consider information
22 provided by the appropriate Inspector General regarding the
23 public interest in disclosure of the summary report and
24 response and the factors that would outweigh the interest in
25 public disclosure. For purposes of this Section, the "closure

1 of an investigation" occurs, if an Executive Inspector General
2 provides a summary report and response to the Executive Ethics
3 Commission and the Commission: (1) determines that additional
4 review or further investigation is unnecessary, (2) refers a
5 summary report to the Attorney General for purposes of filing a
6 complaint and the Attorney General concludes that there is
7 insufficient evidence that a violation has occurred, or (3)
8 refers a summary report to the Attorney General for further
9 investigation and the Attorney General, after additional
10 investigation, concludes his or her investigation without
11 filing a complaint.

12 (b) Prior to making a summary report or a digest of a
13 summary report public, the Executive Ethics Commission shall
14 deliver to the appropriate Inspector General, the appropriate
15 ultimate jurisdictional authority, the head of the State agency
16 affected by or involved in the investigation, and the subject
17 of the summary report, a copy of the summary report or the
18 digest that will be released to the public. The Inspector
19 General may disclose the summary report or the digest that will
20 be released to the public to the complainant who reported the
21 alleged misconduct and any witnesses who provided information
22 to the Executive Inspector General regarding the alleged
23 misconduct.

24 (5 ILCS 430/20-60)

25 Sec. 20-60. Appeals. A decision of the Executive Ethics

1 Commission to impose a fine or injunctive relief is subject to
2 judicial review under the Administrative Review Law. All other
3 decisions by the Executive Ethics Commission are final and not
4 subject to review either administratively or judicially.

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

6 (5 ILCS 430/20-65)

7 Sec. 20-65. Reporting of investigations ~~Investigations not~~
8 ~~concluded within 6 months.~~

9 (a) Each Executive Inspector General shall file a monthly
10 activity report with the Executive Ethics Commission that
11 reflects investigative activity during the previous month. The
12 activity report shall be filed by the fifteenth day of the
13 following month and shall disclose:

14 (1) The opening of any investigation during the
15 preceding month, including the date it was opened, the
16 affected office, agency or agencies, the investigation's
17 unique tracking number, and a statement of the general
18 nature of the allegation or allegations currently under
19 investigation.

20 (2) The closing of any investigation during the
21 preceding month, including the date it was closed, the
22 affected office, agency or agencies, the investigation's
23 unique tracking number, and a statement of the general
24 nature of the allegations or allegations that formed the
25 basis of the investigation.

1 (3) The status of a particular investigation that
2 remained open at the end of the month, including the date
3 it was opened, the affected office, agency or agencies, the
4 investigation's unique tracking number, and a statement of
5 the general nature of the investigation, if specifically
6 requested to provide such information by the Executive
7 Ethics Commission.

8 (b) If any investigation is not concluded within 6 months
9 after its initiation, the appropriate Executive Inspector
10 General shall file a 6-month report with ~~notify~~ the Executive
11 Ethics Commission. The 6-month report shall disclose: ~~and~~
12 ~~appropriate ultimate jurisdictional authority of the general~~

13 (1) The general nature of the allegation or information
14 giving rise to the investigation, the title or job duties
15 of the subjects of the investigation, and the
16 investigation's unique tracking number.

17 (2) The date of the last alleged violation of this Act
18 or other State law giving rise to the investigation.

19 (3) Whether the Executive Inspector General has found
20 credible the allegations of criminal conduct.

21 (4) Whether the allegation has been referred to an
22 appropriate law enforcement agency and the identity of the
23 law enforcement agency to which those allegations were
24 referred.

25 (5) If an allegation has not been referred to an
26 appropriate law enforcement agency, ~~and~~ the reasons for the

1 failure to complete the investigation within 6 months, a
2 summary of the investigative steps taken, additional
3 investigative steps contemplated at the time of the report,
4 and an estimate of additional time necessary to complete
5 the investigation.

6 (6) Any other information deemed necessary by the
7 Executive Ethics Commission in determining whether to
8 appoint a Special Inspector General.

9 (c) If an Executive Inspector General has referred an
10 allegation to an appropriate law enforcement agency and
11 continues to investigate the matter, the future reporting
12 requirements of this Section are suspended.

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

14 (5 ILCS 430/20-70)

15 Sec. 20-70. Cooperation in investigations. It is the duty
16 of every officer and employee under the jurisdiction of an
17 Executive Inspector General, including any inspector general
18 serving in any State agency under the jurisdiction of that
19 Executive Inspector General, to cooperate with the Executive
20 Inspector General and the Attorney General in any investigation
21 undertaken pursuant to this Act. Failure to cooperate includes,
22 but is not limited to, intentional omissions and knowing false
23 statements. Failure to cooperate with an investigation of the
24 Executive Inspector General or the Attorney General is grounds
25 for disciplinary action, including dismissal. Nothing in this

1 Section limits or alters a person's existing rights or
2 protections under State or federal law.

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

4 (5 ILCS 430/20-80)

5 Sec. 20-80. Referrals of investigations. If an Executive
6 Inspector General determines that any alleged misconduct
7 involves any person not subject to the jurisdiction of the
8 Executive Ethics Commission, that Executive Inspector General
9 shall refer the reported allegations to the appropriate
10 Inspector General, appropriate ethics commission, or other
11 appropriate body. If an Executive Inspector General determines
12 that any alleged misconduct may give rise to criminal
13 penalties, the Executive Inspector General may refer the
14 allegations regarding that misconduct to the appropriate law
15 enforcement authority. If an Executive Inspector General
16 determines that any alleged misconduct resulted in the loss of
17 public funds in an amount of \$5,000 or greater, the Executive
18 Inspector General shall refer the allegations regarding that
19 misconduct to the Attorney General and may also refer the
20 allegations to any other appropriate law enforcement
21 authority.

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

23 (5 ILCS 430/20-85)

24 Sec. 20-85. Quarterly reports by Executive Inspector

1 General. Each Executive Inspector General shall submit
2 quarterly reports to the appropriate executive branch
3 constitutional officer and the Executive Ethics Commission, on
4 dates determined by the Executive Ethics Commission,
5 indicating:

6 (1) the number of allegations received since the date
7 of the last report;

8 (2) the number of investigations initiated since the
9 date of the last report;

10 (3) the number of investigations concluded since the
11 date of the last report;

12 (4) the number of investigations pending as of the
13 reporting date;

14 (5) the number of complaints forwarded to the Attorney
15 General since the date of the last report; ~~and~~

16 (6) the number of actions filed with the Executive
17 Ethics Commission since the date of the last report and the
18 number of actions pending before the Executive Ethics
19 Commission as of the reporting date; and

20 (7) the number of allegations referred to any law
21 enforcement agency, and the identity of the law enforcement
22 agency to which those allegations were referred.

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

24 (5 ILCS 430/20-90)

25 Sec. 20-90. Confidentiality.

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

11 (b) Subject to the provisions of Sections 20-51 and 20-54
12 ~~Section 20-50(e)~~, commissioners, employees, and agents of the
13 Executive Ethics Commission, the Executive Inspectors General,
14 and employees and agents of each Office of an Executive
15 Inspector General, the Attorney General, and the employees and
16 agents of the office of the Attorney General shall keep
17 confidential and shall not disclose information exempted from
18 disclosure under the Freedom of Information Act or by this Act.
19 (Source: P.A. 93-617, eff. 12-9-03.)

20 (5 ILCS 430/20-95)

21 Sec. 20-95. Exemptions.

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

25 (b) A founded summary investigatory report as released by

1 the Executive Ethics Commission under Section 20-54 is a public
2 record. Otherwise, any ~~Any~~ allegations and related documents
3 submitted to an Executive Inspector General and any pleadings
4 and related documents brought before the Executive Ethics
5 Commission are exempt from the provisions of the Freedom of
6 Information Act so long as the Executive Ethics Commission does
7 not make a finding of a violation of this Act. If the Executive
8 Ethics Commission finds that a violation has occurred, the
9 entire record of proceedings before the Commission, the
10 decision and recommendation, and the mandatory report from the
11 agency head or ultimate jurisdictional authority to the
12 Executive Ethics Commission are not exempt from the provisions
13 of the Freedom of Information Act but information contained
14 therein that is otherwise exempt from the Freedom of
15 Information Act must be redacted before disclosure as provided
16 in Section 8 of the Freedom of Information Act.

17 (c) Meetings of the Commission under Sections 20-5 and
18 20-15 of this Act are exempt from the provisions of the Open
19 Meetings Act.

20 (d) Unless otherwise provided in this Act, all
21 investigatory files and reports of the Office of an Executive
22 Inspector General, other than quarterly reports, are
23 confidential, are exempt from disclosure under the Freedom of
24 Information Act, and shall not be divulged to any person or
25 agency, except as necessary (i) to a ~~the appropriate~~ law
26 enforcement authority ~~if the matter is referred pursuant to~~

1 ~~this Act~~, (ii) to the ultimate jurisdictional authority, (iii)
2 to the Executive Ethics Commission; ~~or~~ (iv) to another
3 Inspector General appointed pursuant to this Act, or (v) to
4 another appropriate entity that has authority to investigate
5 the conduct alleged in the complaint.

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

7 (5 ILCS 430/50-5)

8 Sec. 50-5. Penalties.

9 (a) A person is guilty of a Class A misdemeanor if that
10 person intentionally violates any provision of Section 5-15,
11 ~~5-30~~, 5-40, or 5-45 or Article 15.

12 (a-1) For a violation of any Section of this Act, an ethics
13 commission may levy an administrative fine up to \$20,000 or the
14 estimated dollar value of the benefit obtained as a direct or
15 indirect result of a violation of this Act, whichever is
16 greater.

17 (a-2) Notwithstanding subsection (a-1), an ethics
18 commission may levy an administrative fine for a violation of
19 Section 5-45 of this Act of up to 3 times the total annual
20 compensation that would have been obtained in violation of
21 Section 5-45.

22 (b) A person who intentionally violates any provision of
23 Section 5-20, 5-35, 5-50, or 5-55 is guilty of a business
24 offense subject to a fine of at least \$1,001 and up to \$20,000
25 ~~\$5,000~~.

1 (c) A person is guilty of a Class 4 felony if that person
2 intentionally violates any provision of Section 5-30 of this
3 Act. A person convicted of violating Section 5-30 forfeits his
4 or her office or employment.

5 (c-1) Notwithstanding subsection (a-1), an ethics
6 commission may levy an administrative fine of up to 3 times the
7 value of the contribution to the political committee, political
8 party, or other person or entity for a violation of Section
9 5-30.

10 (d) ~~(e)~~ A person who intentionally violates any provision
11 of Article 10 is guilty of a business offense and subject to a
12 fine of at least \$1,001 and up to \$20,000 ~~\$5,000~~.

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

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

24 (g) ~~(f)~~ In addition to any other penalty that may apply,
25 whether criminal or civil, a State employee who intentionally
26 violates any provision of Section 5-15, 5-20, ~~5-30~~, 5-35, 5-40,

1 or 5-50, Article 10, Article 15, or Section 20-90 or 25-90 is
2 subject to discipline or discharge by the appropriate ultimate
3 jurisdictional authority.

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

5 (5 ILCS 430/50-10 new)

6 Sec. 50-10. Injunctive relief.

7 (a) For a violation of any Section of this Act, an ethics
8 commission may issue appropriate injunctive relief up to and
9 including discipline or discharge of a State employee.

10 (b) Any injunctive relief issued pursuant to this Section
11 must comport with the requirements of Section 20-40.

12 Section 12. The Children and Family Services Act is amended
13 by changing Section 35.5 as follows:

14 (20 ILCS 505/35.5)

15 Sec. 35.5. Inspector General.

16 (a) The Governor shall appoint, and the Senate shall
17 confirm, an Inspector General who shall have the authority to
18 conduct investigations into allegations of or incidents of
19 possible misconduct, misfeasance, malfeasance, or violations
20 of rules, procedures, or laws by any employee, foster parent,
21 service provider, or contractor of the Department of Children
22 and Family Services, except for allegations of violations of
23 the State Officials and Employees Ethics Act which shall be

1 referred to the Office of the Governor's Executive Inspector
2 General for investigation. The Inspector General shall make
3 recommendations to the Director of Children and Family Services
4 concerning sanctions or disciplinary actions against
5 Department employees or providers of service under contract to
6 the Department. The Director of Children and Family Services
7 shall provide the Inspector General with an implementation
8 report on the status of any corrective actions taken on
9 recommendations under review and shall continue sending
10 updated reports until the corrective action is completed. The
11 Director shall provide a written response to the Inspector
12 General indicating the status of any sanctions or disciplinary
13 actions against employees or providers of service involving any
14 investigation subject to review. In any case, information
15 included in the reports to the Inspector General and Department
16 responses shall be subject to the public disclosure
17 requirements of the Abused and Neglected Child Reporting Act.
18 Any investigation conducted by the Inspector General shall be
19 independent and separate from the investigation mandated by the
20 Abused and Neglected Child Reporting Act. The Inspector General
21 shall be appointed for a term of 4 years. The Inspector General
22 shall function independently within the Department of Children
23 and Family Services with respect to the operations of the
24 Office of Inspector General, including the performance of
25 investigations and issuance of findings and recommendations,
26 and shall report to the Director of Children and Family

1 Services and the Governor and perform other duties the Director
2 may designate. The Inspector General shall adopt rules as
3 necessary to carry out the functions, purposes, and duties of
4 the office of Inspector General in the Department of Children
5 and Family Services, in accordance with the Illinois
6 Administrative Procedure Act and any other applicable law.

7 (b) The Inspector General shall have access to all
8 information and personnel necessary to perform the duties of
9 the office. To minimize duplication of efforts, and to assure
10 consistency and conformance with the requirements and
11 procedures established in the B.H. v. Suter consent decree and
12 to share resources when appropriate, the Inspector General
13 shall coordinate his or her activities with the Bureau of
14 Quality Assurance within the Department.

15 (c) The Inspector General shall be the primary liaison
16 between the Department and the Department of State Police with
17 regard to investigations conducted under the Inspector
18 General's auspices. If the Inspector General determines that a
19 possible criminal act has been committed, or that special
20 expertise is required in the investigation, he or she shall
21 immediately notify the Department of State Police. All
22 investigations conducted by the Inspector General shall be
23 conducted in a manner designed to ensure the preservation of
24 evidence for possible use in a criminal prosecution.

25 (d) The Inspector General may recommend to the Department
26 of Children and Family Services, the Department of Public

1 Health, or any other appropriate agency, sanctions to be
2 imposed against service providers under the jurisdiction of or
3 under contract with the Department for the protection of
4 children in the custody or under the guardianship of the
5 Department who received services from those providers. The
6 Inspector General may seek the assistance of the Attorney
7 General or any of the several State's Attorneys in imposing
8 sanctions.

9 (e) The Inspector General shall at all times be granted
10 access to any foster home, facility, or program operated for or
11 licensed or funded by the Department.

12 (f) Nothing in this Section shall limit investigations by
13 the Department of Children and Family Services that may
14 otherwise be required by law or that may be necessary in that
15 Department's capacity as the central administrative authority
16 for child welfare.

17 (g) The Inspector General shall have the power to subpoena
18 witnesses and compel the production of books and papers
19 pertinent to an investigation authorized by this Act. The power
20 to subpoena or to compel the production of books and papers,
21 however, shall not extend to the person or documents of a labor
22 organization or its representatives insofar as the person or
23 documents of a labor organization relate to the function of
24 representing an employee subject to investigation under this
25 Act. Any person who fails to appear in response to a subpoena
26 or to answer any question or produce any books or papers

1 pertinent to an investigation under this Act, except as
2 otherwise provided in this Section, or who knowingly gives
3 false testimony in relation to an investigation under this Act
4 is guilty of a Class A misdemeanor.

5 (h) The Inspector General shall provide to the General
6 Assembly and the Governor, no later than January 1 of each
7 year, a summary of reports and investigations made under this
8 Section for the prior fiscal year. The summaries shall detail
9 the imposition of sanctions and the final disposition of those
10 recommendations. The summaries shall not contain any
11 confidential or identifying information concerning the
12 subjects of the reports and investigations. The summaries also
13 shall include detailed recommended administrative actions and
14 matters for consideration by the General Assembly.

15 (Source: P.A. 95-527, eff. 6-1-08.)

16 Section 13. The Department of Human Services Act is amended
17 by changing Section 1-17 as follows:

18 (20 ILCS 1305/1-17)

19 Sec. 1-17. Inspector General.

20 (a) Appointment; powers and duties. The Governor shall
21 appoint, and the Senate shall confirm, an Inspector General.
22 The Inspector General shall be appointed for a term of 4 years
23 and shall function within the Department of Human Services and
24 report to the Secretary of Human Services and the Governor. The

1 Inspector General shall function independently within the
2 Department of Human Services with respect to the operations of
3 the office, including the performance of investigations and
4 issuance of findings and recommendations. The appropriation
5 for the Office of Inspector General shall be separate from the
6 overall appropriation for the Department of Human Services. The
7 Inspector General shall investigate reports of suspected abuse
8 or neglect (as those terms are defined by the Department of
9 Human Services) of patients or residents in any mental health
10 or developmental disabilities facility operated by the
11 Department of Human Services and shall have authority to
12 investigate and take immediate action on reports of abuse or
13 neglect of recipients, whether patients or residents, in any
14 mental health or developmental disabilities facility or
15 program that is licensed or certified by the Department of
16 Human Services (as successor to the Department of Mental Health
17 and Developmental Disabilities) or that is funded by the
18 Department of Human Services (as successor to the Department of
19 Mental Health and Developmental Disabilities) and is not
20 licensed or certified by any agency of the State. The Inspector
21 General shall also have the authority to investigate alleged or
22 suspected cases of abuse, neglect, and exploitation of adults
23 with disabilities living in domestic settings in the community
24 pursuant to the Abuse of Adults with Disabilities Intervention
25 Act (20 ILCS 2435/). At the specific, written request of an
26 agency of the State other than the Department of Human Services

1 (as successor to the Department of Mental Health and
2 Developmental Disabilities), the Inspector General may
3 cooperate in investigating reports of abuse and neglect of
4 persons with mental illness or persons with developmental
5 disabilities. The Inspector General shall have no supervision
6 over or involvement in routine, programmatic, licensure, or
7 certification operations of the Department of Human Services or
8 any of its funded agencies. The Inspector General shall have no
9 authority to investigate alleged violations of the State
10 Officials and Employees Ethics Act. Allegations of misconduct
11 under the State Officials and Employees Ethics Act shall be
12 referred to the Office of the Governor's Executive Inspector
13 General for investigation.

14 The Inspector General shall promulgate rules establishing
15 minimum requirements for reporting allegations of abuse and
16 neglect and initiating, conducting, and completing
17 investigations. The promulgated rules shall clearly set forth
18 that in instances where 2 or more State agencies could
19 investigate an allegation of abuse or neglect, the Inspector
20 General shall not conduct an investigation that is redundant to
21 an investigation conducted by another State agency. The rules
22 shall establish criteria for determining, based upon the nature
23 of the allegation, the appropriate method of investigation,
24 which may include, but need not be limited to, site visits,
25 telephone contacts, or requests for written responses from
26 agencies. The rules shall also clarify how the Office of the

1 Inspector General shall interact with the licensing unit of the
2 Department of Human Services in investigations of allegations
3 of abuse or neglect. Any allegations or investigations of
4 reports made pursuant to this Act shall remain confidential
5 until a final report is completed. The resident or patient who
6 allegedly was abused or neglected and his or her legal guardian
7 shall be informed by the facility or agency of the report of
8 alleged abuse or neglect. Final reports regarding
9 unsubstantiated or unfounded allegations shall remain
10 confidential, except that final reports may be disclosed
11 pursuant to Section 6 of the Abused and Neglected Long Term
12 Care Facility Residents Reporting Act.

13 For purposes of this Section, "required reporter" means a
14 person who suspects, witnesses, or is informed of an allegation
15 of abuse and neglect at a State-operated facility or a
16 community agency and who is either: (i) a person employed at a
17 State-operated facility or a community agency on or off site
18 who is providing or monitoring services to an individual or
19 individuals or is providing services to the State-operated
20 facility or the community agency; or (ii) any person or
21 contractual agent of the Department of Human Services involved
22 in providing, monitoring, or administering mental health or
23 developmental services, including, but not limited to, payroll
24 personnel, contractors, subcontractors, and volunteers. A
25 required reporter shall report the allegation of abuse or
26 neglect, or cause a report to be made, to the Office of the

1 Inspector General (OIG) Hotline no later than 4 hours after the
2 initial discovery of the incident of alleged abuse or neglect.
3 A required reporter as defined in this paragraph who willfully
4 fails to comply with the reporting requirement is guilty of a
5 Class A misdemeanor.

6 For purposes of this Section, "State-operated facility"
7 means a mental health facility or a developmental disability
8 facility as defined in Sections 1-114 and 1-107 of the Mental
9 Health and Developmental Disabilities Code.

10 For purposes of this Section, "community agency" or
11 "agency" means any community entity or program providing mental
12 health or developmental disabilities services that is
13 licensed, certified, or funded by the Department of Human
14 Services and is not licensed or certified by an other human
15 services agency of the State (for example, the Department of
16 Public Health, the Department of Children and Family Services,
17 or the Department of Healthcare and Family Services).

18 When the Office of the Inspector General has substantiated
19 a case of abuse or neglect, the Inspector General shall include
20 in the final report any mitigating or aggravating circumstances
21 that were identified during the investigation. Upon
22 determination that a report of neglect is substantiated, the
23 Inspector General shall then determine whether such neglect
24 rises to the level of egregious neglect.

25 (b) Department of State Police. The Inspector General
26 shall, within 24 hours after determining that a reported

1 allegation of suspected abuse or neglect indicates that any
2 possible criminal act has been committed or that special
3 expertise is required in the investigation, immediately notify
4 the Department of State Police or the appropriate law
5 enforcement entity. The Department of State Police shall
6 investigate any report from a State-operated facility
7 indicating a possible murder, rape, or other felony. All
8 investigations conducted by the Inspector General shall be
9 conducted in a manner designed to ensure the preservation of
10 evidence for possible use in a criminal prosecution.

11 (b-5) Preliminary report of investigation; facility or
12 agency response. The Inspector General shall make a
13 determination to accept or reject a preliminary report of the
14 investigation of alleged abuse or neglect based on established
15 investigative procedures. Notice of the Inspector General's
16 determination must be given to the person who claims to be the
17 victim of the abuse or neglect, to the person or persons
18 alleged to have been responsible for abuse or neglect, and to
19 the facility or agency. The facility or agency or the person or
20 persons alleged to have been responsible for the abuse or
21 neglect and the person who claims to be the victim of the abuse
22 or neglect may request clarification or reconsideration based
23 on additional information. For cases where the allegation of
24 abuse or neglect is substantiated, the Inspector General shall
25 require the facility or agency to submit a written response.
26 The written response from a facility or agency shall address in

1 a concise and reasoned manner the actions that the agency or
2 facility will take or has taken to protect the resident or
3 patient from abuse or neglect, prevent reoccurrences, and
4 eliminate problems identified and shall include implementation
5 and completion dates for all such action.

6 (c) Inspector General's report; facility's or agency's
7 implementation reports. The Inspector General shall, within 10
8 calendar days after the transmittal date of a completed
9 investigation where abuse or neglect is substantiated or
10 administrative action is recommended, provide a complete
11 report on the case to the Secretary of Human Services and to
12 the agency in which the abuse or neglect is alleged to have
13 happened. The complete report shall include a written response
14 from the agency or facility operated by the State to the
15 Inspector General that addresses in a concise and reasoned
16 manner the actions that the agency or facility will take or has
17 taken to protect the resident or patient from abuse or neglect,
18 prevent reoccurrences, and eliminate problems identified and
19 shall include implementation and completion dates for all such
20 action. The Secretary of Human Services shall accept or reject
21 the response and establish how the Department will determine
22 whether the facility or program followed the approved response.
23 The Secretary may require Department personnel to visit the
24 facility or agency for training, technical assistance,
25 programmatic, licensure, or certification purposes.
26 Administrative action, including sanctions, may be applied

1 should the Secretary reject the response or should the facility
2 or agency fail to follow the approved response. Within 30 days
3 after the Secretary has approved a response, the facility or
4 agency making the response shall provide an implementation
5 report to the Inspector General on the status of the corrective
6 action implemented. Within 60 days after the Secretary has
7 approved the response, the facility or agency shall send notice
8 of the completion of the corrective action or shall send an
9 updated implementation report. The facility or agency shall
10 continue sending updated implementation reports every 60 days
11 until the facility or agency sends a notice of the completion
12 of the corrective action. The Inspector General shall review
13 any implementation plan that takes more than 120 days. The
14 Inspector General shall monitor compliance through a random
15 review of completed corrective actions. This monitoring may
16 include, but need not be limited to, site visits, telephone
17 contacts, or requests for written documentation from the
18 facility or agency to determine whether the facility or agency
19 is in compliance with the approved response. The facility or
20 agency shall inform the resident or patient and the legal
21 guardian whether the reported allegation was substantiated,
22 unsubstantiated, or unfounded. There shall be an appeals
23 process for any person or agency that is subject to any action
24 based on a recommendation or recommendations.

25 (d) Sanctions. The Inspector General may recommend to the
26 Departments of Public Health and Human Services sanctions to be

1 imposed against mental health and developmental disabilities
2 facilities under the jurisdiction of the Department of Human
3 Services for the protection of residents, including
4 appointment of on-site monitors or receivers, transfer or
5 relocation of residents, and closure of units. The Inspector
6 General may seek the assistance of the Attorney General or any
7 of the several State's Attorneys in imposing such sanctions.
8 Whenever the Inspector General issues any recommendations to
9 the Secretary of Human Services, the Secretary shall provide a
10 written response.

11 (e) Training programs. The Inspector General shall
12 establish and conduct periodic training programs for
13 Department of Human Services employees and community agency
14 employees concerning the prevention and reporting of neglect
15 and abuse.

16 (f) Access to facilities. The Inspector General shall at
17 all times be granted access to any mental health or
18 developmental disabilities facility operated by the Department
19 of Human Services, shall establish and conduct unannounced site
20 visits to those facilities at least once annually, and shall be
21 granted access, for the purpose of investigating a report of
22 abuse or neglect, to the records of the Department of Human
23 Services and to any facility or program funded by the
24 Department of Human Services that is subject under the
25 provisions of this Section to investigation by the Inspector
26 General for a report of abuse or neglect.

1 (g) Other investigations. Nothing in this Section shall
2 limit investigations by the Department of Human Services that
3 may otherwise be required by law or that may be necessary in
4 that Department's capacity as the central administrative
5 authority responsible for the operation of State mental health
6 and developmental disability facilities.

7 (g-5) Health care worker registry. After notice and an
8 opportunity for a hearing that is separate and distinct from
9 the Office of the Inspector General's appeals process as
10 implemented under subsection (c) of this Section, the Inspector
11 General shall report to the Department of Public Health's
12 health care worker registry under Section 3-206.01 of the
13 Nursing Home Care Act the identity of individuals against whom
14 there has been a substantiated finding of physical or sexual
15 abuse or egregious neglect of a service recipient.

16 Nothing in this subsection shall diminish or impair the
17 rights of a person who is a member of a collective bargaining
18 unit pursuant to the Illinois Public Labor Relations Act or
19 pursuant to any federal labor statute. An individual who is a
20 member of a collective bargaining unit as described above shall
21 not be reported to the Department of Public Health's health
22 care worker registry until the exhaustion of that individual's
23 grievance and arbitration rights, or until 3 months after the
24 initiation of the grievance process, whichever occurs first,
25 provided that the Department of Human Services' hearing under
26 this subsection regarding the reporting of an individual to the

1 Department of Public Health's health care worker registry has
2 concluded. Notwithstanding anything hereinafter or previously
3 provided, if an action taken by an employer against an
4 individual as a result of the circumstances that led to a
5 finding of physical or sexual abuse or egregious neglect is
6 later overturned under a grievance or arbitration procedure
7 provided for in Section 8 of the Illinois Public Labor
8 Relations Act or under a collective bargaining agreement, the
9 report must be removed from the registry.

10 The Department of Human Services shall promulgate or amend
11 rules as necessary or appropriate to establish procedures for
12 reporting to the registry, including the definition of
13 egregious neglect, procedures for notice to the individual and
14 victim, appeal and hearing procedures, and petition for removal
15 of the report from the registry. The portion of the rules
16 pertaining to hearings shall provide that, at the hearing, both
17 parties may present written and oral evidence. The Department
18 shall be required to establish by a preponderance of the
19 evidence that the Office of the Inspector General's finding of
20 physical or sexual abuse or egregious neglect warrants
21 reporting to the Department of Public Health's health care
22 worker registry under Section 3-206.01 of the Nursing Home Care
23 Act.

24 Notice to the individual shall include a clear and concise
25 statement of the grounds on which the report to the registry is
26 based and notice of the opportunity for a hearing to contest

1 the report. The Department of Human Services shall provide the
2 notice by certified mail to the last known address of the
3 individual. The notice shall give the individual an opportunity
4 to contest the report in a hearing before the Department of
5 Human Services or to submit a written response to the findings
6 instead of requesting a hearing. If the individual does not
7 request a hearing or if after notice and a hearing the
8 Department of Human Services finds that the report is valid,
9 the finding shall be included as part of the registry, as well
10 as a brief statement from the reported individual if he or she
11 chooses to make a statement. The Department of Public Health
12 shall make available to the public information reported to the
13 registry. In a case of inquiries concerning an individual
14 listed in the registry, any information disclosed concerning a
15 finding of abuse or neglect shall also include disclosure of
16 the individual's brief statement in the registry relating to
17 the reported finding or include a clear and accurate summary of
18 the statement.

19 At any time after the report of the registry, an individual
20 may petition the Department of Human Services for removal from
21 the registry of the finding against him or her. Upon receipt of
22 such a petition, the Department of Human Services shall conduct
23 an investigation and hearing on the petition. Upon completion
24 of the investigation and hearing, the Department of Human
25 Services shall report the removal of the finding to the
26 registry unless the Department of Human Services determines

1 that removal is not in the public interest.

2 (h) Quality Care Board. There is created, within the Office
3 of the Inspector General, a Quality Care Board to be composed
4 of 7 members appointed by the Governor with the advice and
5 consent of the Senate. One of the members shall be designated
6 as chairman by the Governor. Of the initial appointments made
7 by the Governor, 4 Board members shall each be appointed for a
8 term of 4 years and 3 members shall each be appointed for a
9 term of 2 years. Upon the expiration of each member's term, a
10 successor shall be appointed for a term of 4 years. In the case
11 of a vacancy in the office of any member, the Governor shall
12 appoint a successor for the remainder of the unexpired term.

13 Members appointed by the Governor shall be qualified by
14 professional knowledge or experience in the area of law,
15 investigatory techniques, or in the area of care of the
16 mentally ill or developmentally disabled. Two members
17 appointed by the Governor shall be persons with a disability or
18 a parent of a person with a disability. Members shall serve
19 without compensation, but shall be reimbursed for expenses
20 incurred in connection with the performance of their duties as
21 members.

22 The Board shall meet quarterly, and may hold other meetings
23 on the call of the chairman. Four members shall constitute a
24 quorum. The Board may adopt rules and regulations it deems
25 necessary to govern its own procedures.

26 (i) Scope and function of the Quality Care Board. The Board

1 shall monitor and oversee the operations, policies, and
2 procedures of the Inspector General to assure the prompt and
3 thorough investigation of allegations of neglect and abuse. In
4 fulfilling these responsibilities, the Board may do the
5 following:

6 (1) Provide independent, expert consultation to the
7 Inspector General on policies and protocols for
8 investigations of alleged neglect and abuse.

9 (2) Review existing regulations relating to the
10 operation of facilities under the control of the Department
11 of Human Services.

12 (3) Advise the Inspector General as to the content of
13 training activities authorized under this Section.

14 (4) Recommend policies concerning methods for
15 improving the intergovernmental relationships between the
16 Office of the Inspector General and other State or federal
17 agencies.

18 (j) Investigators. The Inspector General shall establish a
19 comprehensive program to ensure that every person employed or
20 newly hired to conduct investigations shall receive training on
21 an on-going basis concerning investigative techniques,
22 communication skills, and the appropriate means of contact with
23 persons admitted or committed to the mental health or
24 developmental disabilities facilities under the jurisdiction
25 of the Department of Human Services.

26 (k) Subpoenas; testimony; penalty. The Inspector General

1 shall have the power to subpoena witnesses and compel the
2 production of books and papers pertinent to an investigation
3 authorized by this Act, provided that the power to subpoena or
4 to compel the production of books and papers shall not extend
5 to the person or documents of a labor organization or its
6 representatives insofar as the person or documents of a labor
7 organization relate to the function of representing an employee
8 subject to investigation under this Act. Mental health records
9 of patients shall be confidential as provided under the Mental
10 Health and Developmental Disabilities Confidentiality Act. Any
11 person who fails to appear in response to a subpoena or to
12 answer any question or produce any books or papers pertinent to
13 an investigation under this Act, except as otherwise provided
14 in this Section, or who knowingly gives false testimony in
15 relation to an investigation under this Act is guilty of a
16 Class A misdemeanor.

17 (1) Annual report. The Inspector General shall provide to
18 the General Assembly and the Governor, no later than January 1
19 of each year, a summary of reports and investigations made
20 under this Act for the prior fiscal year with respect to
21 residents of institutions under the jurisdiction of the
22 Department of Human Services. The report shall detail the
23 imposition of sanctions and the final disposition of those
24 recommendations. The summaries shall not contain any
25 confidential or identifying information concerning the
26 subjects of the reports and investigations. The report shall

1 also include a trend analysis of the number of reported
2 allegations and their disposition, for each facility and
3 Department-wide, for the most recent 3-year time period and a
4 statement, for each facility, of the staffing-to-patient
5 ratios. The ratios shall include only the number of direct care
6 staff. The report shall also include detailed recommended
7 administrative actions and matters for consideration by the
8 General Assembly.

9 (m) Program audit. The Auditor General shall conduct a
10 biennial program audit of the Office of the Inspector General
11 in relation to the Inspector General's compliance with this
12 Act. The audit shall specifically include the Inspector
13 General's effectiveness in investigating reports of alleged
14 neglect or abuse of residents in any facility operated by the
15 Department of Human Services and in making recommendations for
16 sanctions to the Departments of Human Services and Public
17 Health. The Auditor General shall conduct the program audit
18 according to the provisions of the Illinois State Auditing Act
19 and shall report its findings to the General Assembly no later
20 than January 1 of each odd-numbered year.

21 (Source: P.A. 95-545, eff. 8-28-07.)

22 Section 15. The Governor's Office of Management and Budget
23 Act is amended by changing Section 1 as follows:

24 (20 ILCS 3005/1) (from Ch. 127, par. 411)

1 Sec. 1. Definitions.

2 "Capital expenditure" means money spent for replacing,
3 remodeling, expanding, or acquiring facilities, buildings or
4 land owned directly by the State through any State department,
5 authority, public corporation of the State, State college or
6 university, or any other public agency created by the State,
7 but not units of local government or school districts.

8 "Director" means the Director of the Governor's Office of
9 Management and Budget.

10 "Office" means the Governor's Office of Management and
11 Budget.

12 "State Agency," whether used in the singular or plural,
13 means all Departments, Officers, Commissions, Boards,
14 Institutions and bodies, politic and corporate of the State,
15 including the Offices of Clerk of the Supreme Court and Clerks
16 of the Appellate Courts; except it shall not mean the several
17 Courts of the State, nor the Legislature, its Committees or
18 Commissions, nor the Constitutionally elected State Officers,
19 nor the Executive Ethics Commission, nor the Offices of
20 Executive Inspectors General.

21 (Source: P.A. 93-25, eff. 6-20-03.)

22 Section 20. The Illinois Procurement Code is amended by
23 changing Sections 1-15.30, 50-5, 50-10, 50-10.5, 50-11, 50-12,
24 50-13, 50-14, 50-14.5, 50-35, 50-60, 50-65, 50-70, and 53-10
25 and by adding Sections 1-15.107, 20-120, and 50-2 as follows:

1 (30 ILCS 500/1-15.30)

2 Sec. 1-15.30. Contract. "Contract" means all types of State
3 agreements, regardless of what they may be called, for the
4 procurement, use, or disposal of supplies, services,
5 professional or artistic services, or construction or for
6 leases of real property, whether the State is lessor or lessee,
7 or capital improvements, and including master contracts,
8 contracts for financing through use of installment or
9 lease-purchase arrangements, renegotiated contracts, and
10 change orders.

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

12 (30 ILCS 500/1-15.107 new)

13 Sec. 1-15.107. Subcontract. "Subcontract" means a contract
14 between a person and a person who has or is seeking a contract
15 subject to this Code, pursuant to which the subcontractor
16 provides to the contractor or another subcontractor some or all
17 of the goods, services, property, remuneration, or other forms
18 of consideration that are the subject of the primary contract
19 and includes, among other things, subleases from a lessee of a
20 State agency.

21 (30 ILCS 500/20-120 new)

22 Sec. 20-120. Subcontractors.

23 (a) Any contract granted under this Code that is of

1 sufficient size that a written contract is required to be filed
2 under Section 20-80 of this Article shall state whether the
3 services of a subcontractor will or may be used. To the extent
4 that the information is known, the contract shall include the
5 names and addresses of all subcontractors and the expected
6 amount of money each will receive under the contract. The
7 contractor shall provide to the responsible chief procurement
8 officer a copy of any subcontract so identified within 20 days
9 after the execution of the State contract or after execution of
10 the subcontract, whichever is later.

11 (b) If at any time during the term of a contract, a
12 contractor adds or changes any subcontractors, he or she shall
13 promptly notify, in writing, the Department of Central
14 Management Services, the Illinois Power Agency, or the higher
15 education chief procurement officer, whichever is appropriate,
16 and the responsible chief procurement officer, State
17 purchasing officer, or their designee of the names and
18 addresses and the expected amount of money each new or replaced
19 subcontractor will receive. The contractor shall provide to the
20 responsible chief procurement officer a copy of the subcontract
21 within 20 days after the execution of the subcontract.

22 (c) In addition to any other requirements of this Code, a
23 subcontract subject to this Section must include all of the
24 subcontractor's certifications required by Article 50 of the
25 Code.

1 (30 ILCS 500/50-2 new)

2 Sec. 50-2. Continuing disclosure; false certification.
3 Every person that has entered into a multi-year contract and
4 every subcontractor with a multi-year subcontract shall
5 certify, by July 1 of each fiscal year covered by the contract
6 after the initial fiscal year, to the responsible chief
7 procurement officer whether it continues to satisfy the
8 requirements of this Article pertaining to eligibility for a
9 contract award. If a contractor or subcontractor is not able to
10 truthfully certify that it continues to meet all requirements,
11 it shall provide with its certification a detailed explanation
12 of the circumstances leading to the change in certification
13 status. A contractor or subcontractor that makes a false
14 statement material to any given certification required under
15 this Article is, in addition to any other penalties or
16 consequences prescribed by law, subject to liability under the
17 Whistleblower Reward and Protection Act for submission of a
18 false claim.

19 (30 ILCS 500/50-5)

20 Sec. 50-5. Bribery.

21 (a) Prohibition. No person or business shall be awarded a
22 contract or subcontract under this Code who:

23 (1) has been convicted under the laws of Illinois or
24 any other state of bribery or attempting to bribe an
25 officer or employee of the State of Illinois or any other

1 state in that officer's or employee's official capacity; or

2 (2) has made an admission of guilt of that conduct that
3 is a matter of record but has not been prosecuted for that
4 conduct.

5 (b) Businesses. No business shall be barred from
6 contracting with any unit of State or local government, or
7 subcontracting under such a contract, as a result of a
8 conviction under this Section of any employee or agent of the
9 business if the employee or agent is no longer employed by the
10 business and:

11 (1) the business has been finally adjudicated not
12 guilty; or

13 (2) the business demonstrates to the governmental
14 entity with which it seeks to contract or which is a
15 signatory to the contract to which the subcontract relates,
16 and that entity finds that the commission of the offense
17 was not authorized, requested, commanded, or performed by a
18 director, officer, or high managerial agent on behalf of
19 the business as provided in paragraph (2) of subsection (a)
20 of Section 5-4 of the Criminal Code of 1961.

21 (c) Conduct on behalf of business. For purposes of this
22 Section, when an official, agent, or employee of a business
23 committed the bribery or attempted bribery on behalf of the
24 business and in accordance with the direction or authorization
25 of a responsible official of the business, the business shall
26 be chargeable with the conduct.

1 (d) Certification. Every bid submitted to and contract
2 executed by the State and every subcontract subject to Section
3 20-120 of this Code shall contain a certification by the
4 contractor or the subcontractor, respectively, that the
5 contractor or subcontractor is not barred from being awarded a
6 contract or subcontract under this Section and acknowledges
7 that the contracting State agency may declare the related
8 contract void if any certifications required by this Section
9 are false. A contractor who makes a false statement, material
10 to the certification, commits a Class 3 felony.

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

12 (30 ILCS 500/50-10)

13 Sec. 50-10. Felons.

14 (a) Unless otherwise provided, no person or business
15 convicted of a felony shall do business with the State of
16 Illinois or any State agency, or enter into a subcontract, from
17 the date of conviction until 5 years after the date of
18 completion of the sentence for that felony, unless no person
19 held responsible by a prosecutorial office for the facts upon
20 which the conviction was based continues to have any
21 involvement with the business.

22 (b) Every bid submitted to and contract executed by the
23 State and every subcontract subject to Section 20-120 of this
24 Code shall contain a certification by the bidder or contractor
25 or subcontractor, respectively, that the bidder, contractor,

1 or subcontractor is not barred from being awarded a contract or
2 subcontract under this Section and acknowledges that the
3 contracting State agency may declare the related contract void
4 if any of the certifications required by this Section are
5 false.

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

7 (30 ILCS 500/50-10.5)

8 Sec. 50-10.5. Prohibited bidders and contractors.

9 (a) Unless otherwise provided, no business shall bid or
10 enter into a contract or subcontract under this Code ~~with the~~
11 ~~State of Illinois or any State agency~~ if the business or any
12 officer, director, partner, or other managerial agent of the
13 business has been convicted of a felony under the
14 Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under
15 the Illinois Securities Law of 1953 for a period of 5 years
16 from the date of conviction.

17 (b) Every bid submitted to and contract executed by the
18 State and every subcontract subject to Section 20-120 of this
19 Code shall contain a certification by the bidder, ~~or~~
20 contractor, or subcontractor, respectively, that the bidder,
21 contractor, or subcontractor is not barred from being awarded a
22 contract or subcontract under this Section and ~~that the~~
23 ~~contractor~~ acknowledges that the contracting State agency
24 shall declare the related contract void if any of the
25 certifications ~~certification~~ completed pursuant to this

1 subsection (b) are ~~is~~ false.

2 (c) If a business is not a natural person, the prohibition
3 in subsection (a) applies only if:

4 (1) the business itself is convicted of a felony
5 referenced in subsection (a); or

6 (2) the business is ordered to pay punitive damages
7 based on the conduct of any officer, director, partner, or
8 other managerial agent who has been convicted of a felony
9 referenced in subsection (a).

10 (d) A natural person who is convicted of a felony
11 referenced in subsection (a) remains subject to Section 50-10.

12 (Source: P.A. 93-600, eff. 1-1-04.)

13 (30 ILCS 500/50-11)

14 Sec. 50-11. Debt delinquency.

15 (a) No person shall submit a bid for or enter into a
16 contract or subcontract ~~with a State agency~~ under this Code if
17 that person knows or should know that he or she or any
18 affiliate is delinquent in the payment of any debt to the
19 State, unless the person or affiliate has entered into a
20 deferred payment plan to pay off the debt. For purposes of this
21 Section, the phrase "delinquent in the payment of any debt"
22 shall be determined by the Debt Collection Board. For purposes
23 of this Section, the term "affiliate" means any entity that (1)
24 directly, indirectly, or constructively controls another
25 entity, (2) is directly, indirectly, or constructively

1 controlled by another entity, or (3) is subject to the control
2 of a common entity. For purposes of this subsection (a), a
3 person controls an entity if the person owns, directly or
4 individually, more than 10% of the voting securities of that
5 entity. As used in this subsection (a), the term "voting
6 security" means a security that (1) confers upon the holder the
7 right to vote for the election of members of the board of
8 directors or similar governing body of the business or (2) is
9 convertible into, or entitles the holder to receive upon its
10 exercise, a security that confers such a right to vote. A
11 general partnership interest is a voting security.

12 (b) Every bid submitted to and contract executed by the
13 State and every subcontract subject to Section 20-120 of this
14 Code shall contain a certification by the bidder, ~~or~~
15 contractor, or subcontractor, respectively, that the
16 contractor or the subcontractor and its affiliate is not barred
17 from being awarded a contract or subcontract under this Section
18 and ~~that the contractor~~ acknowledges that the contracting State
19 agency may declare the related contract void if any of the
20 certifications ~~certification~~ completed pursuant to this
21 subsection (b) are ~~is~~ false.

22 (Source: P.A. 92-404, eff. 7-1-02; 93-25, eff. 6-20-03.)

23 (30 ILCS 500/50-12)

24 Sec. 50-12. Collection and remittance of Illinois Use Tax.

25 (a) No person shall enter into a contract with a State

1 agency or enter into a subcontract under this Code unless the
2 person and all affiliates of the person collect and remit
3 Illinois Use Tax on all sales of tangible personal property
4 into the State of Illinois in accordance with the provisions of
5 the Illinois Use Tax Act regardless of whether the person or
6 affiliate is a "retailer maintaining a place of business within
7 this State" as defined in Section 2 of the Use Tax Act. For
8 purposes of this Section, the term "affiliate" means any entity
9 that (1) directly, indirectly, or constructively controls
10 another entity, (2) is directly, indirectly, or constructively
11 controlled by another entity, or (3) is subject to the control
12 of a common entity. For purposes of this subsection (a), an
13 entity controls another entity if it owns, directly or
14 individually, more than 10% of the voting securities of that
15 entity. As used in this subsection (a), the term "voting
16 security" means a security that (1) confers upon the holder the
17 right to vote for the election of members of the board of
18 directors or similar governing body of the business or (2) is
19 convertible into, or entitles the holder to receive upon its
20 exercise, a security that confers such a right to vote. A
21 general partnership interest is a voting security.

22 (b) Every bid submitted and contract executed by the State
23 and every subcontract subject to Section 20-120 of this Code
24 shall contain a certification by the bidder, ~~or~~ contractor, or
25 subcontractor, respectively, that the bidder, ~~or~~ contractor,
26 or subcontractor is not barred from bidding for or entering

1 into a contract under subsection (a) of this Section and ~~that~~
2 ~~the bidder or contractor~~ acknowledges that the contracting
3 State agency may declare the related contract void if any of
4 the certifications ~~certification~~ completed pursuant to this
5 subsection (b) are ~~is~~ false.

6 (Source: P.A. 93-25, eff. 6-20-03.)

7 (30 ILCS 500/50-13)

8 Sec. 50-13. Conflicts of interest.

9 (a) Prohibition. It is unlawful for any person holding an
10 elective office in this State, holding a seat in the General
11 Assembly, or appointed to or employed in any of the offices or
12 agencies of State government and who receives compensation for
13 such employment in excess of 60% of the salary of the Governor
14 of the State of Illinois, or who is an officer or employee of
15 the Capital Development Board or the Illinois Toll Highway
16 Authority, or who is the spouse or minor child of any such
17 person to have or acquire any contract or subcontract, or any
18 direct pecuniary interest in any contract or subcontract,
19 ~~therein~~, whether for stationery, printing, paper, or any
20 services, materials, or supplies, that will be wholly or
21 partially satisfied by the payment of funds appropriated by the
22 General Assembly of the State of Illinois or in any contract or
23 subcontract of the Capital Development Board or the Illinois
24 Toll Highway Authority.

25 (b) Interests. It is unlawful for any firm, partnership,

1 association, or corporation, in which any person listed in
2 subsection (a) is entitled to receive (i) more than 7 1/2% of
3 the total distributable income or (ii) an amount in excess of
4 the salary of the Governor, to have or acquire any such
5 contract, subcontract, or direct pecuniary interest therein.

6 (c) Combined interests. It is unlawful for any firm,
7 partnership, association, or corporation, in which any person
8 listed in subsection (a) together with his or her spouse or
9 minor children is entitled to receive (i) more than 15%, in the
10 aggregate, of the total distributable income or (ii) an amount
11 in excess of 2 times the salary of the Governor, to have or
12 acquire any such contract, subcontract, or direct pecuniary
13 interest therein.

14 (c-5) Appointees and firms. In addition to any provisions
15 of this Code, the interests of certain appointees and their
16 firms are subject to Section 3A-35 of the Illinois Governmental
17 Ethics Act.

18 (d) Securities. Nothing in this Section invalidates the
19 provisions of any bond or other security previously offered or
20 to be offered for sale or sold by or for the State of Illinois.

21 (e) Prior interests. This Section does not affect the
22 validity of any contract made between the State and an officer
23 or employee of the State or member of the General Assembly, his
24 or her spouse, minor child, or other immediate family member
25 living in his or her residence or any combination of those
26 persons, or any subcontract under such a contract, if that

1 contract or subcontract was in existence before his or her
2 election or employment as an officer, member, or employee. The
3 contract or subcontract is voidable, however, if it cannot be
4 completed within 365 days after the officer, member, or
5 employee takes office or is employed.

6 (f) Exceptions.

7 (1) Public aid payments. This Section does not apply to
8 payments made for a public aid recipient.

9 (2) Teaching. This Section does not apply to a contract
10 for personal services as a teacher or school administrator
11 between a member of the General Assembly or his or her
12 spouse, or a State officer or employee or his or her
13 spouse, and any school district, public community college
14 district, the University of Illinois, Southern Illinois
15 University, Illinois State University, Eastern Illinois
16 University, Northern Illinois University, Western Illinois
17 University, Chicago State University, Governor State
18 University, or Northeastern Illinois University.

19 (3) Ministerial duties. This Section does not apply to
20 a contract for personal services of a wholly ministerial
21 character, including but not limited to services as a
22 laborer, clerk, typist, stenographer, page, bookkeeper,
23 receptionist, or telephone switchboard operator, made by a
24 spouse or minor child of an elective or appointive State
25 officer or employee or of a member of the General Assembly.

26 (4) Child and family services. This Section does not

1 apply to payments made to a member of the General Assembly,
2 a State officer or employee, his or her spouse or minor
3 child acting as a foster parent, homemaker, advocate, or
4 volunteer for or in behalf of a child or family served by
5 the Department of Children and Family Services.

6 (5) Licensed professionals. Contracts with licensed
7 professionals, provided they are competitively bid or part
8 of a reimbursement program for specific, customary goods
9 and services through the Department of Children and Family
10 Services, the Department of Human Services, the Department
11 of Healthcare and Family Services, the Department of Public
12 Health, or the Department on Aging.

13 (g) Penalty. A person convicted of a violation of this
14 Section is guilty of a business offense and shall be fined not
15 less than \$1,000 nor more than \$5,000.

16 (Source: P.A. 95-331, eff. 8-21-07.)

17 (30 ILCS 500/50-14)

18 Sec. 50-14. Environmental Protection Act violations.

19 (a) Unless otherwise provided, no person or business found
20 by a court or the Pollution Control Board to have committed a
21 willful or knowing violation of the Environmental Protection
22 Act shall do business with the State of Illinois or any State
23 agency or enter into a subcontract that is subject to this Code
24 from the date of the order containing the finding of violation
25 until 5 years after that date, unless the person or business

1 can show that no person involved in the violation continues to
2 have any involvement with the business.

3 (b) A person or business otherwise barred from doing
4 business with the State of Illinois or any State agency or
5 subcontracting under this Code by subsection (a) may be allowed
6 to do business with the State of Illinois or any State agency
7 if it is shown that there is no practicable alternative to the
8 State to contracting with that person or business.

9 (c) Every bid submitted to and contract executed by the
10 State and every subcontract subject to Section 20-120 of this
11 Code shall contain a certification by the bidder, ~~or~~
12 contractor, or subcontractor, respectively, that the bidder,
13 ~~or~~ contractor, or subcontractor is not barred from being
14 awarded a contract or subcontract under this Section and ~~that~~
15 ~~the contractor~~ acknowledges that the contracting State agency
16 may declare the related contract void if any of the
17 certifications ~~certification~~ completed pursuant to this
18 subsection (c) are ~~is~~ false.

19 (Source: P.A. 93-575, eff. 1-1-04; 93-826, eff. 7-28-04.)

20 (30 ILCS 500/50-14.5)

21 Sec. 50-14.5. Lead Poisoning Prevention Act violations.
22 Owners of residential buildings who have committed a willful or
23 knowing violation of the Lead Poisoning Prevention Act are
24 prohibited from doing business with the State of Illinois or
25 any State agency, or subcontracting under this Code, until the

1 violation is mitigated.

2 (Source: P.A. 94-879, eff. 6-20-06.)

3 (30 ILCS 500/50-35)

4 Sec. 50-35. Disclosure and potential conflicts of
5 interest.

6 (a) All offers from responsive bidders or offerors with an
7 annual value of more than \$10,000, and all subcontracts, copies
8 of which must be provided by Section 20-120 of this Code, shall
9 be accompanied by disclosure of the financial interests of the
10 contractor, bidder, ~~or~~ proposer, or subcontractor. The
11 financial disclosure of each successful bidder or offeror and
12 each subcontractor shall become part of the publicly available
13 contract or procurement file maintained by the appropriate
14 chief procurement officer.

15 (b) Disclosure by the responsive bidders or offerors or by
16 subcontractors shall include any ownership or distributive
17 income share that is in excess of 5%, or an amount greater than
18 60% of the annual salary of the Governor, of the bidding entity
19 or its parent entity, whichever is less, unless the contractor
20 ~~or~~ bidder, or subcontractor (i) is a publicly traded entity
21 subject to Federal 10K reporting, in which case it may submit
22 its 10K disclosure in place of the prescribed disclosure, or
23 (ii) is a privately held entity that is exempt from Federal 10k
24 reporting but has more than 400 shareholders, in which case it
25 may submit the information that Federal 10k reporting companies

1 are required to report under 17 CFR 229.401 and list the names
2 of any person or entity holding any ownership share that is in
3 excess of 5% in place of the prescribed disclosure. The form of
4 disclosure shall be prescribed by the applicable chief
5 procurement officer and must include at least the names,
6 addresses, and dollar or proportionate share of ownership of
7 each person identified in this Section, their instrument of
8 ownership or beneficial relationship, and notice of any
9 potential conflict of interest resulting from the current
10 ownership or beneficial relationship of each person identified
11 in this Section having in addition any of the following
12 relationships:

13 (1) State employment, currently or in the previous 3
14 years, including contractual employment of services.

15 (2) State employment of spouse, father, mother, son, or
16 daughter, including contractual employment for services in
17 the previous 2 years.

18 (3) Elective status; the holding of elective office of
19 the State of Illinois, the government of the United States,
20 any unit of local government authorized by the Constitution
21 of the State of Illinois or the statutes of the State of
22 Illinois currently or in the previous 3 years.

23 (4) Relationship to anyone holding elective office
24 currently or in the previous 2 years; spouse, father,
25 mother, son, or daughter.

26 (5) Appointive office; the holding of any appointive

1 government office of the State of Illinois, the United
2 States of America, or any unit of local government
3 authorized by the Constitution of the State of Illinois or
4 the statutes of the State of Illinois, which office
5 entitles the holder to compensation in excess of expenses
6 incurred in the discharge of that office currently or in
7 the previous 3 years.

8 (6) Relationship to anyone holding appointive office
9 currently or in the previous 2 years; spouse, father,
10 mother, son, or daughter.

11 (7) Employment, currently or in the previous 3 years,
12 as or by any registered lobbyist of the State government.

13 (8) Relationship to anyone who is or was a registered
14 lobbyist in the previous 2 years; spouse, father, mother,
15 son, or daughter.

16 (9) Compensated employment, currently or in the
17 previous 3 years, by any registered election or re-election
18 committee registered with the Secretary of State or any
19 county clerk in the State of Illinois, or any political
20 action committee registered with either the Secretary of
21 State or the Federal Board of Elections.

22 (10) Relationship to anyone; spouse, father, mother,
23 son, or daughter; who is or was a compensated employee in
24 the last 2 years of any registered election or re-election
25 committee registered with the Secretary of State or any
26 county clerk in the State of Illinois, or any political

1 action committee registered with either the Secretary of
2 State or the Federal Board of Elections.

3 (c) The disclosure in subsection (b) is not intended to
4 prohibit or prevent any contract. The disclosure is meant to
5 fully and publicly disclose any potential conflict to the chief
6 procurement officers, State purchasing officers, their
7 designees, and executive officers so they may adequately
8 discharge their duty to protect the State.

9 (d) In the case of any contract for personal services in
10 excess of \$50,000; any contract competitively bid in excess of
11 \$250,000; any other contract in excess of \$50,000; or any
12 subcontract in excess of \$50,000; when a potential for a
13 conflict of interest is identified, discovered, or reasonably
14 suspected it shall be reviewed and commented on in writing by
15 the Governor of the State of Illinois, or by an executive
16 ethics board or commission he or she might designate. The
17 comment shall be returned to the responsible chief procurement
18 officer who must rule in writing whether to void or allow the
19 contract, bid, offer, ~~or~~ proposal, or subcontract, weighing the
20 best interest of the State of Illinois. The comment and
21 determination shall become a publicly available part of the
22 contract, bid, or proposal file.

23 (e) These thresholds and disclosure do not relieve the
24 chief procurement officer, the State purchasing officer, or
25 their designees from reasonable care and diligence for any
26 contract, bid, offer, or proposal. The chief procurement

1 officer, the State purchasing officer, or their designees shall
2 be responsible for using any reasonably known and publicly
3 available information to discover any undisclosed potential
4 conflict of interest and act to protect the best interest of
5 the State of Illinois.

6 (f) Inadvertent or accidental failure to fully disclose
7 shall render the contract, bid, proposal, subcontract, or
8 relationship voidable by the chief procurement officer if he or
9 she deems it in the best interest of the State of Illinois and,
10 at his or her discretion, may be cause for barring from future
11 contracts, bids, proposals, subcontracts, or relationships
12 with the State for a period of up to 2 years.

13 (g) Intentional, willful, or material failure to disclose
14 shall render the contract, bid, proposal, subcontract, or
15 relationship voidable by the chief procurement officer if he or
16 she deems it in the best interest of the State of Illinois and
17 shall result in debarment from future contracts, bids,
18 proposals, subcontract, or relationships for a period of not
19 less than 2 years and not more than 10 years. Reinstatement
20 after 2 years and before 10 years must be reviewed and
21 commented on in writing by the Governor of the State of
22 Illinois, or by an executive ethics board or commission he or
23 she might designate. The comment shall be returned to the
24 responsible chief procurement officer who must rule in writing
25 whether and when to reinstate.

26 (h) In addition, all disclosures shall note any other

1 current or pending contracts, subcontracts, proposals, leases,
2 or other ongoing procurement relationships the bidding,
3 proposing, ~~or~~ offering, or subcontracting entity has with any
4 other unit of State government and shall clearly identify the
5 unit and the contract, proposal, lease, or other relationship.

6 (Source: P.A. 95-331, eff. 8-21-07.)

7 (30 ILCS 500/50-60)

8 Sec. 50-60. Voidable contracts.

9 (a) If any contract is entered into or purchase or
10 expenditure of funds is made in violation of this Code or any
11 other law, the contract may be declared void by the chief
12 procurement officer or may be ratified and affirmed, provided
13 the chief procurement officer determines that ratification is
14 in the best interests of the State. If the contract is ratified
15 and affirmed, it shall be without prejudice to the State's
16 rights to any appropriate damages.

17 (b) If, during the term of a contract, the contracting
18 agency determines that the contractor is delinquent in the
19 payment of debt as set forth in Section 50-11 of this Code, the
20 State agency may declare the contract void if it determines
21 that voiding the contract is in the best interests of the
22 State. The Debt Collection Board shall adopt rules for the
23 implementation of this subsection (b).

24 (c) If, during the term of a contract, the contracting
25 agency determines that the contractor is in violation of

1 Section 50-10.5 of this Code, the contracting agency shall
2 declare the contract void.

3 (d) If, during the term of a contract, the contracting
4 agency learns from an annual certification or otherwise
5 determines that the contractor no longer qualifies to enter
6 into State contracts by reason of Section 50-5, 50-10, 50-12,
7 50-14, or 50-14.5 of this Article, the contracting agency may
8 declare the contract void if it determines that voiding the
9 contract is in the best interests of the State.

10 (e) If, during the term of a contract, the contracting
11 agency learns from an annual certification or otherwise
12 determines that a subcontractor subject to Section 20-120 no
13 longer qualifies to enter into State contracts by reason of
14 Section 50-5, 50-10, 50-10.5, 50-11, 50-12, 50-14, or 50-14.5
15 of this Article, the contracting agency may declare the related
16 contract void if it determines that voiding the contract is in
17 the best interests of the State.

18 (Source: P.A. 92-404, eff. 7-1-02; 93-600, eff. 1-1-04.)

19 (30 ILCS 500/50-65)

20 Sec. 50-65. Suspension Contractor ~~suspension~~. Any
21 contractor or subcontractor may be suspended for violation of
22 this Code or for failure to conform to specifications or terms
23 of delivery. Suspension shall be for cause and may be for a
24 period of up to 10 years at the discretion of the applicable
25 chief procurement officer. Contractors or subcontractors may

1 be debarred in accordance with rules promulgated by the chief
2 procurement officer or as otherwise provided by law.

3 (Source: P.A. 93-77, eff. 7-2-03.)

4 (30 ILCS 500/50-70)

5 Sec. 50-70. Additional provisions. This Code is subject to
6 applicable provisions of the following Acts:

7 (1) Article 33E of the Criminal Code of 1961;

8 (2) the Illinois Human Rights Act;

9 (3) the Discriminatory Club Act;

10 (4) the Illinois Governmental Ethics Act;

11 (5) the State Prompt Payment Act;

12 (6) the Public Officer Prohibited Activities Act;

13 (7) the Drug Free Workplace Act;

14 (8) the Illinois Power Agency Act; ~~and~~

15 (9) the Employee Classification Act; and ~~and~~

16 (10) the State Officials and Employees Ethics Act.

17 (Source: P.A. 95-26, eff. 1-1-08; 95-481, eff. 8-28-07; 95-876,
18 eff. 8-21-08.)

19 (30 ILCS 500/53-10)

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

21 (a) Except for property under the jurisdiction of a public
22 institution of higher education, concessions, including the
23 assignment, license, sale, or transfer of interests in or
24 rights to discoveries, inventions, patents, or copyrightable

1 works, may be entered into by the State agency with
2 jurisdiction over the property, whether tangible or
3 intangible.

4 (b) Except for property under the jurisdiction of a public
5 institution of higher education, all leases of State property
6 and concessions shall be reduced to writing and shall be
7 awarded under the provisions of Article 20, except that the
8 contract shall be awarded to the highest and best bidder or
9 offeror.

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

11 (30 ILCS 500/35-40 rep.)

12 Section 25. The Illinois Procurement Code is amended by
13 repealing Section 35-40.

14 Section 30. The Illinois Grant Funds Recovery Act is
15 amended by changing Section 4 and by adding Section 4.1 as
16 follows:

17 (30 ILCS 705/4) (from Ch. 127, par. 2304)

18 Sec. 4. Grant Application and Agreement Requirements
19 Requirement.

20 (a) Any person or organization, public or private, desiring
21 to receive grant funds must submit a grant application to the
22 appropriate grantor agency. Applications for grant funds shall
23 be made on prescribed forms developed by the grantor agency,

1 and shall include, without being limited to, the following
2 provisions:

3 (1) the name, address, chief officers, and general
4 description of the applicant;

5 (2) a general description of the program, project, or
6 use for which grant funding is requested;

7 (3) such plans, equipment lists, and other documents as
8 may be required to show the type, structure, and general
9 character of the program, project, or use for which grant
10 funding is requested;

11 (4) cost estimates of developing, constructing,
12 operating, or completing the program, project, or use for
13 which grant funding is requested; and

14 (5) a program of proposed expenditures for the grant
15 funds.

16 (b) Grant funds may not be used except pursuant to a
17 written grant agreement, and any disbursement of grant funds
18 without a grant agreement is void. At a minimum, a grant
19 agreement must:

20 (1) ~~(a)~~ describe the purpose of the grant and be signed
21 by the grantor agency making the grant and all grantees of
22 the grant;

23 (2) ~~(b)~~ specify how payments shall be made, what
24 constitutes permissible expenditure of the grant funds,
25 and the financial controls applicable to the grant,
26 including, for those grants in excess of \$25,000, the

1 filing of quarterly reports describing the progress of the
2 program, project, or use and the expenditure of the grant
3 funds related thereto;

4 (3) ~~(e)~~ specify the period of time for which the grant
5 is valid and, subject to the limitation of Section 5, the
6 period of time during which grant funds may be expended by
7 the grantee; and

8 (4) contain a provision that any grantees receiving
9 grant funds are required to permit the grantor agency, the
10 Auditor General, or the Attorney General to inspect and
11 audit any books, records, or papers related to the program,
12 project, or use for which grant funds were provided;

13 (5) ~~(d)~~ contain a provision that all funds remaining at
14 the end of the grant agreement or at the expiration of the
15 period of time grant funds are available for expenditure or
16 obligation by the grantee shall be returned to the State
17 within 45 days ; and

18 (6) contain a provision in which the grantee certifies
19 under oath that all information in the grant agreement is
20 true and correct to the best of the grantee's knowledge,
21 information, and belief; that the funds shall be used only
22 for the purposes described in the grant agreement; and that
23 the award of grant funds is conditioned upon such
24 certification.

25 (Source: P.A. 83-640.)

1 (30 ILCS 705/4.1 new)

2 Sec. 4.1. Grant Fund Distribution Suspension. Grantor
3 agencies may withhold or suspend the distribution of grant
4 funds for failure to file required reports.

5 Section 35. The Illinois Public Aid Code is amended by
6 changing Section 12-13.1 as follows:

7 (305 ILCS 5/12-13.1)

8 Sec. 12-13.1. Inspector General.

9 (a) The Governor shall appoint, and the Senate shall
10 confirm, an Inspector General who shall function within the
11 Illinois Department of Public Aid (now Healthcare and Family
12 Services) and report to the Governor. The term of the Inspector
13 General shall expire on the third Monday of January, 1997 and
14 every 4 years thereafter.

15 (b) In order to prevent, detect, and eliminate fraud,
16 waste, abuse, mismanagement, and misconduct, the Inspector
17 General shall oversee the Department of Healthcare and Family
18 Services' integrity functions, which include, but are not
19 limited to, the following:

20 (1) Investigation of misconduct by employees, vendors,
21 contractors and medical providers , except for allegations
22 of violations of the State Officials and Employees Ethics
23 Act which shall be referred to the Office of the Governor's
24 Executive Inspector General for investigation.

1 (2) Audits of medical providers related to ensuring
2 that appropriate payments are made for services rendered
3 and to the recovery of overpayments.

4 (3) Monitoring of quality assurance programs generally
5 related to the medical assistance program and specifically
6 related to any managed care program.

7 (4) Quality control measurements of the programs
8 administered by the Department of Healthcare and Family
9 Services.

10 (5) Investigations of fraud or intentional program
11 violations committed by clients of the Department of
12 Healthcare and Family Services.

13 (6) Actions initiated against contractors or medical
14 providers for any of the following reasons:

15 (A) Violations of the medical assistance program.

16 (B) Sanctions against providers brought in
17 conjunction with the Department of Public Health or the
18 Department of Human Services (as successor to the
19 Department of Mental Health and Developmental
20 Disabilities).

21 (C) Recoveries of assessments against hospitals
22 and long-term care facilities.

23 (D) Sanctions mandated by the United States
24 Department of Health and Human Services against
25 medical providers.

26 (E) Violations of contracts related to any managed

1 care programs.

2 (7) Representation of the Department of Healthcare and
3 Family Services at hearings with the Illinois Department of
4 Professional Regulation in actions taken against
5 professional licenses held by persons who are in violation
6 of orders for child support payments.

7 (b-5) At the request of the Secretary of Human Services,
8 the Inspector General shall, in relation to any function
9 performed by the Department of Human Services as successor to
10 the Department of Public Aid, exercise one or more of the
11 powers provided under this Section as if those powers related
12 to the Department of Human Services; in such matters, the
13 Inspector General shall report his or her findings to the
14 Secretary of Human Services.

15 (c) The Inspector General shall have access to all
16 information, personnel and facilities of the Department of
17 Healthcare and Family Services and the Department of Human
18 Services (as successor to the Department of Public Aid), their
19 employees, vendors, contractors and medical providers and any
20 federal, State or local governmental agency that are necessary
21 to perform the duties of the Office as directly related to
22 public assistance programs administered by those departments.
23 No medical provider shall be compelled, however, to provide
24 individual medical records of patients who are not clients of
25 the Medical Assistance Program. State and local governmental
26 agencies are authorized and directed to provide the requested

1 information, assistance or cooperation.

2 (d) The Inspector General shall serve as the Department of
3 Healthcare and Family Services' primary liaison with law
4 enforcement, investigatory and prosecutorial agencies,
5 including but not limited to the following:

6 (1) The Department of State Police.

7 (2) The Federal Bureau of Investigation and other
8 federal law enforcement agencies.

9 (3) The various Inspectors General of federal agencies
10 overseeing the programs administered by the Department of
11 Healthcare and Family Services.

12 (4) The various Inspectors General of any other State
13 agencies with responsibilities for portions of programs
14 primarily administered by the Department of Healthcare and
15 Family Services.

16 (5) The Offices of the several United States Attorneys
17 in Illinois.

18 (6) The several State's Attorneys.

19 The Inspector General shall meet on a regular basis with
20 these entities to share information regarding possible
21 misconduct by any persons or entities involved with the public
22 aid programs administered by the Department of Healthcare and
23 Family Services.

24 (e) All investigations conducted by the Inspector General
25 shall be conducted in a manner that ensures the preservation of
26 evidence for use in criminal prosecutions. If the Inspector

1 General determines that a possible criminal act relating to
2 fraud in the provision or administration of the medical
3 assistance program has been committed, the Inspector General
4 shall immediately notify the Medicaid Fraud Control Unit. If
5 the Inspector General determines that a possible criminal act
6 has been committed within the jurisdiction of the Office, the
7 Inspector General may request the special expertise of the
8 Department of State Police. The Inspector General may present
9 for prosecution the findings of any criminal investigation to
10 the Office of the Attorney General, the Offices of the several
11 United States Attorneys in Illinois or the several State's
12 Attorneys.

13 (f) To carry out his or her duties as described in this
14 Section, the Inspector General and his or her designees shall
15 have the power to compel by subpoena the attendance and
16 testimony of witnesses and the production of books, electronic
17 records and papers as directly related to public assistance
18 programs administered by the Department of Healthcare and
19 Family Services or the Department of Human Services (as
20 successor to the Department of Public Aid). No medical provider
21 shall be compelled, however, to provide individual medical
22 records of patients who are not clients of the Medical
23 Assistance Program.

24 (g) The Inspector General shall report all convictions,
25 terminations, and suspensions taken against vendors,
26 contractors and medical providers to the Department of

1 Healthcare and Family Services and to any agency responsible
2 for licensing or regulating those persons or entities.

3 (h) The Inspector General shall make annual reports,
4 findings, and recommendations regarding the Office's
5 investigations into reports of fraud, waste, abuse,
6 mismanagement, or misconduct relating to any public aid
7 programs administered by the Department of Healthcare and
8 Family Services or the Department of Human Services (as
9 successor to the Department of Public Aid) to the General
10 Assembly and the Governor. These reports shall include, but not
11 be limited to, the following information:

12 (1) Aggregate provider billing and payment
13 information, including the number of providers at various
14 Medicaid earning levels.

15 (2) The number of audits of the medical assistance
16 program and the dollar savings resulting from those audits.

17 (3) The number of prescriptions rejected annually
18 under the Department of Healthcare and Family Services'
19 Refill Too Soon program and the dollar savings resulting
20 from that program.

21 (4) Provider sanctions, in the aggregate, including
22 terminations and suspensions.

23 (5) A detailed summary of the investigations
24 undertaken in the previous fiscal year. These summaries
25 shall comply with all laws and rules regarding maintaining
26 confidentiality in the public aid programs.

1 (i) Nothing in this Section shall limit investigations by
2 the Department of Healthcare and Family Services or the
3 Department of Human Services that may otherwise be required by
4 law or that may be necessary in their capacity as the central
5 administrative authorities responsible for administration of
6 public aid programs in this State.

7 (Source: P.A. 95-331, eff. 8-21-07.)

8 Section 99. Effective date. This Section and Sections 5,
9 10, 12, 13, 15, 25, 30, and 35 of this Act take effect upon
10 becoming law. Section 20 takes effect July 1, 2010."