



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4573

by Rep. Elizabeth Coulson

SYNOPSIS AS INTRODUCED:

5 ILCS 430/20-10
5 ILCS 430/20-20
5 ILCS 430/20-50
5 ILCS 430/20-95
5 ILCS 430/25-10
5 ILCS 430/25-20
5 ILCS 430/25-50
5 ILCS 430/25-95
5 ILCS 430/30-5
5 ILCS 430/Art. 60 heading new
5 ILCS 430/60-5 new
20 ILCS 3005/1

from Ch. 127, par. 411

Amends the State Officials and Employees Ethics Act and the Governor's Office of Management and Budget Act. With respect to Inspectors General and Ethics Commissions, makes changes concerning: removal; budgets; monitoring of State hiring; initiation of investigations; anonymous allegations; disclosure of summary reports; and consolidation of offices.

LRB096 13103 JAM 27465 b

1 AN ACT concerning government.

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

4 Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Sections 20-10, 20-20, 20-50, 20-95, 25-10,
6 25-20, 25-50, 25-95, and 30-5 and by adding the heading of
7 Article 60 and Section 60-5 as follows:

8 (5 ILCS 430/20-10)

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

10 (a) Five independent Offices of the Executive Inspector
11 General are created, one each for the Governor, the Attorney
12 General, the Secretary of State, the Comptroller, and the
13 Treasurer. Each Office shall be under the direction and
14 supervision of an Executive Inspector General and shall be a
15 fully independent office with separate appropriations.

16 (b) The Governor, Attorney General, Secretary of State,
17 Comptroller, and Treasurer shall each appoint an Executive
18 Inspector General, without regard to political affiliation and
19 solely on the basis of integrity and demonstrated ability.
20 Appointments shall be made by and with the advice and consent
21 of the Senate by three-fifths of the elected members concurring
22 by record vote. Any nomination not acted upon by the Senate
23 within 60 session days of the receipt thereof shall be deemed

1 to have received the advice and consent of the Senate. If,
2 during a recess of the Senate, there is a vacancy in an office
3 of Executive Inspector General, the appointing authority shall
4 make a temporary appointment until the next meeting of the
5 Senate when the appointing authority shall make a nomination to
6 fill that office. No person rejected for an office of Executive
7 Inspector General shall, except by the Senate's request, be
8 nominated again for that office at the same session of the
9 Senate or be appointed to that office during a recess of that
10 Senate.

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

22 Each Executive Inspector General shall have the following
23 qualifications:

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

26 (2) has earned a baccalaureate degree from an

1 institution of higher education; and

2 (3) has 5 or more years of cumulative service (A) with
3 a federal, State, or local law enforcement agency, at least
4 2 years of which have been in a progressive investigatory
5 capacity; (B) as a federal, State, or local prosecutor; (C)
6 as a senior manager or executive of a federal, State, or
7 local agency; (D) as a member, an officer, or a State or
8 federal judge; or (E) representing any combination of (A)
9 through (D).

10 The term of each initial Executive Inspector General shall
11 commence upon qualification and shall run through June 30,
12 2008. The initial appointments shall be made within 60 days
13 after the effective date of this Act.

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

19 A vacancy occurring other than at the end of a term shall
20 be filled by the appointing authority only for the balance of
21 the term of the Executive Inspector General whose office is
22 vacant.

23 Terms shall run regardless of whether the position is
24 filled.

25 (c) The Executive Inspector General appointed by the
26 Attorney General shall have jurisdiction over the Attorney

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

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

1 rules.

2 (d) The minimum compensation for each Executive Inspector
3 General shall be determined by the Executive Ethics Commission.
4 The actual compensation for each Executive Inspector General
5 shall be determined by the appointing executive branch
6 constitutional officer and must be at or above the minimum
7 compensation level set by the Executive Ethics Commission.

8 (d-5) Subject to Section 20-45 of this Act, each Executive
9 Inspector General has full authority to organize his or her
10 Office of the Executive Inspector General, including the
11 employment and determination of the compensation of staff, such
12 as deputies, assistants, and other employees, as
13 appropriations permit. Each Office of the Executive Inspector
14 General must include an administrative and investigative unit
15 dedicated solely to the proactive monitoring and review of the
16 hiring practices and activities of the State agencies under the
17 jurisdiction of that Executive Inspector General. Each Office
18 of the Executive Inspector General shall be given full access
19 to all hiring information of the State agencies under the
20 jurisdiction of that Executive Inspector General. A separate
21 appropriation shall be made for each Office of Executive
22 Inspector General.

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

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

1 (2) hold any other elected or appointed public office
2 except for appointments on governmental advisory boards or
3 study commissions or as otherwise expressly authorized by
4 law;

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

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

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

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

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

17 (2) hold any elected public office; or

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

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

22 (f) An Executive Inspector General may be removed only for
23 cause and may be removed only after ~~by~~ the appointing
24 constitutional officer certifies to the Senate the reasons for
25 removal, the Senate conducts a public evidentiary hearing on
26 the reasons, and a majority of the Senate subsequently votes to

1 ~~remove the Executive Inspector General. After. At the time of~~
2 the removal, the appointing constitutional officer must report
3 to the Executive Ethics Commission the justification for the
4 removal.

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

6 (5 ILCS 430/20-20)

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

10 (1) To receive and investigate allegations of
11 violations of this Act. The Executive Inspector General may
12 initiate investigations (i) in response to ~~receive~~
13 information received through the Office of any Executive
14 Inspector General or through an ethics commission, (ii). ~~An~~
15 ~~investigation may be conducted only~~ in response to
16 information reported to the Executive Inspector General,
17 or (iii) as provided in this Section and not upon his or
18 her own prerogative. ~~Allegations may not be made~~
19 ~~anonymously.~~ An investigation may not be initiated more
20 than one year after the most recent act of the alleged
21 violation or of a series of alleged violations except where
22 there is reasonable cause to believe that fraudulent
23 concealment has occurred. To constitute fraudulent
24 concealment sufficient to toll this limitations period,
25 there must be an affirmative act or representation

1 calculated to prevent discovery of the fact that a
2 violation has occurred. The Executive Inspector General
3 shall have the discretion to determine the appropriate
4 means of investigation as permitted by law.

5 (2) To request information relating to an
6 investigation from any person when the Executive Inspector
7 General deems that information necessary in conducting an
8 investigation.

9 (3) To issue subpoenas to compel the attendance of
10 witnesses for the purposes of testimony and production of
11 documents and other items for inspection and copying and to
12 make service of those subpoenas and subpoenas issued under
13 item (7) of Section 20-15.

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

15 (5) To file pleadings in the name of the Executive
16 Inspector General with the Executive Ethics Commission,
17 through the Attorney General, as provided in this Article
18 if the Attorney General finds that reasonable cause exists
19 to believe that a violation has occurred.

20 (6) To assist and coordinate the ethics officers for
21 State agencies under the jurisdiction of the Executive
22 Inspector General and to work with those ethics officers.

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

25 (8) To request, as the Executive Inspector General
26 deems appropriate, from ethics officers of State agencies

1 under his or her jurisdiction, reports or information on
2 (i) the content of a State agency's ethics training program
3 and (ii) the percentage of new officers and employees who
4 have completed ethics training.

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

6 (5 ILCS 430/20-50)

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

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

16 (b) The summary report of the investigation shall include
17 the following:

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

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

23 (3) Recommendations for any corrective or disciplinary
24 action to be taken in response to any alleged misconduct
25 described in the report, including but not limited to

1 discharge.

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

5 (b-5) Within 60 days after delivery of a summary report,
6 the Executive Ethics Commission shall make the report public
7 unless within that 60-day period the Executive Inspector
8 General certifies to the Executive Ethics Commission that
9 publication of the summary report will interfere with an
10 ongoing investigation. When the Inspector General so
11 certifies, the Executive Ethics Commission shall publish the
12 report (i) within 6 months after the date of that
13 certification, if the ongoing investigation does not involve a
14 criminal matter, or (ii) within 2 years after the date of that
15 certification, if the ongoing investigation involves a
16 criminal matter. If the ongoing investigation involves a
17 criminal matter, the Executive Inspector General, every 6
18 months until publication of the report, must certify to the
19 Executive Ethics Commission that publication will interfere
20 with the ongoing investigation.

21 The name of a State employee for whom discipline is
22 recommended in a summary report required to be published under
23 this subsection shall not be redacted from the report under
24 this Act or the Freedom of Information Act if the employee is
25 required to file a statement of economic interests under the
26 Illinois Governmental Ethics Act or the employee is alleged to

1 have violated Section 5-15, Section 5-45, or Article 10 of this
2 Act. Regarding summary reports required to be published under
3 this subsection that recommend discipline for any other State
4 employee, the Executive Ethics Commission shall determine
5 whether it is in the public interest to publish or redact the
6 name of the State employee.

7 Notwithstanding the foregoing, the Inspector General may
8 redact information in summary reports that would reveal the
9 identity of witnesses, complainants, or informants before
10 publication if the Inspector General determines that it is
11 appropriate to protect their identity.

12 When the summary report is made public, the disciplinary
13 decision and justification from the State agency should also be
14 made public, along with any response from the employee if the
15 employee wishes.

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

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

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

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

22 (f) The Commission shall meet, either in person or by
23 telephone, in a closed session to review the sufficiency of the
24 complaint. If the Commission finds that complaint is
25 sufficient, the Commission shall grant the petition for leave
26 to file the complaint. The Commission shall issue notice to the

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

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

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

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

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

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

3 (l) When the Inspector General concludes that there is
4 insufficient evidence that a violation has occurred, the
5 Inspector General shall close the investigation. At the request
6 of the subject of the investigation, the Inspector General
7 shall provide a written statement to the subject of the
8 investigation and to the Commission of the Inspector General's
9 decision to close the investigation. Closure by the Inspector
10 General does not bar the Inspector General from resuming the
11 investigation if circumstances warrant.

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

13 (5 ILCS 430/20-95)

14 Sec. 20-95. Exemptions.

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

18 (b) Summary reports published pursuant to subsection (b-5)
19 of Section 20-50 are public records. Other ~~Any~~ allegations and
20 related documents submitted to an Executive Inspector General
21 and any pleadings and related documents brought before the
22 Executive Ethics Commission are exempt from the provisions of
23 the Freedom of Information Act so long as the Executive Ethics
24 Commission does not make a finding of a violation of this Act.
25 If the Executive Ethics Commission finds that a violation has

1 occurred, the entire record of proceedings before the
2 Commission, the decision and recommendation, and the mandatory
3 report from the agency head or ultimate jurisdictional
4 authority to the Executive Ethics Commission are not exempt
5 from the provisions of the Freedom of Information Act but
6 information contained therein that is otherwise exempt from the
7 Freedom of Information Act must be redacted before disclosure
8 as provided in Section 8 of the Freedom of Information Act.

9 (c) Meetings of the Commission under Sections 20-5 and
10 20-15 of this Act are exempt from the provisions of the Open
11 Meetings Act.

12 (d) Unless otherwise provided in this Act, all
13 investigatory files and reports of the Office of an Executive
14 Inspector General, other than quarterly reports, are
15 confidential, are exempt from disclosure under the Freedom of
16 Information Act, and shall not be divulged to any person or
17 agency, except as necessary (i) to the appropriate law
18 enforcement authority if the matter is referred pursuant to
19 this Act, (ii) to the ultimate jurisdictional authority, (iii)
20 to the Executive Ethics Commission; or (iv) to another
21 Inspector General appointed pursuant to this Act.

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

23 (5 ILCS 430/25-10)

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

25 (a) The independent Office of the Legislative Inspector

1 General is created. The Office shall be under the direction and
2 supervision of the Legislative Inspector General and shall be a
3 fully independent office with its own appropriation.

4 (b) The Legislative Inspector General shall be appointed
5 without regard to political affiliation and solely on the basis
6 of integrity and demonstrated ability. The Legislative Ethics
7 Commission shall diligently search out qualified candidates
8 for Legislative Inspector General and shall make
9 recommendations to the General Assembly.

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

24 The Legislative Inspector General shall have the following
25 qualifications:

26 (1) has not been convicted of any felony under the laws

1 of this State, another state, or the United States;

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

4 (3) has 5 or more years of cumulative service (A) with
5 a federal, State, or local law enforcement agency, at least
6 2 years of which have been in a progressive investigatory
7 capacity; (B) as a federal, State, or local prosecutor; (C)
8 as a senior manager or executive of a federal, State, or
9 local agency; (D) as a member, an officer, or a State or
10 federal judge; or (E) representing any combination of (A)
11 through (D).

12 The Legislative Inspector General may not be a relative of
13 a commissioner.

14 The term of the initial Legislative Inspector General shall
15 commence upon qualification and shall run through June 30,
16 2008.

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

22 A vacancy occurring other than at the end of a term shall
23 be filled in the same manner as an appointment only for the
24 balance of the term of the Legislative Inspector General whose
25 office is vacant.

26 Terms shall run regardless of whether the position is

1 filled.

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

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

12 (d) The compensation of the Legislative Inspector General
13 shall be the greater of an amount (i) determined by the
14 Commission or (ii) by joint resolution of the General Assembly
15 passed by a majority of members elected in each chamber.

16 (d-5) Subject to Section 25-45 of this Act, the Legislative
17 Inspector General has full authority to organize the Office of
18 the Legislative Inspector General, including the employment
19 and determination of the compensation of staff, such as
20 deputies, assistants, and other employees, as appropriations
21 permit. Employment of staff is subject to the approval of at
22 least 3 of the 4 legislative leaders.

23 The Office of the Legislative Inspector General must
24 include an administrative and investigative unit dedicated
25 solely to the proactive monitoring and review of the hiring
26 practices and activities of the State agencies under the

1 jurisdiction of the Legislative Inspector General. The Office
2 of the Legislative Inspector General shall be given full access
3 to all hiring information of the State agencies under his or
4 her jurisdiction.

5 (e) No Legislative Inspector General or employee of the
6 Office of the Legislative Inspector General may, during his or
7 her term of appointment or employment:

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

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

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

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

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

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

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

25 (2) hold any elected public office; or

26 (3) hold any appointed State, county, or local judicial

1 office.

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

4 (f) The Commission may remove the Legislative Inspector
5 General only for cause. At the time of the removal, the
6 Commission must report to the General Assembly the
7 justification for the removal.

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

9 (5 ILCS 430/25-20)

10 Sec. 25-20. Duties of the Legislative Inspector General. In
11 addition to duties otherwise assigned by law, the Legislative
12 Inspector General shall have the following duties:

13 (1) To receive and investigate allegations of
14 violations of this Act. The Legislative Inspector General
15 may initiate investigations (i) in response to ~~receive~~
16 information received through the Office of the Legislative
17 Inspector General or through an ethics commission or (ii) ~~or~~
18 ~~An investigation may be conducted only in response to~~
19 ~~information reported to the Legislative Inspector General~~
20 ~~as provided in this Section and not~~ upon his or her own
21 prerogative. ~~Allegations may not be made anonymously.~~ An
22 investigation may not be initiated more than one year after
23 the most recent act of the alleged violation or of a series
24 of alleged violations except where there is reasonable
25 cause to believe that fraudulent concealment has occurred.

1 To constitute fraudulent concealment sufficient to toll
2 this limitations period, there must be an affirmative act
3 or representation calculated to prevent discovery of the
4 fact that a violation has occurred. The Legislative
5 Inspector General shall have the discretion to determine
6 the appropriate means of investigation as permitted by law.

7 (2) To request information relating to an
8 investigation from any person when the Legislative
9 Inspector General deems that information necessary in
10 conducting an investigation.

11 (3) To issue subpoenas, with the advance approval of
12 the Commission, to compel the attendance of witnesses for
13 the purposes of testimony and production of documents and
14 other items for inspection and copying and to make service
15 of those subpoenas and subpoenas issued under item (7) of
16 Section 25-15.

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

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

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

26 (7) To participate in or conduct, when appropriate,

1 multi-jurisdictional investigations.

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

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

9 (5 ILCS 430/25-50)

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

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

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

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

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

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

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

8 (b-5) Within 60 days after delivery of a summary report,
9 the Legislative Ethics Commission shall make the report public
10 unless within that 60-day period the Legislative Inspector
11 General certifies to the Legislative Ethics Commission that
12 publication of the summary report will interfere with an
13 ongoing investigation. When the Inspector General so
14 certifies, the Legislative Ethics Commission shall publish the
15 report (i) within 6 months after the date of that
16 certification, if the ongoing investigation does not involve a
17 criminal matter, or (ii) within 2 years after the date of that
18 certification, if the ongoing investigation involves a
19 criminal matter. If the ongoing investigation involves a
20 criminal matter, the Legislative Inspector General, every 6
21 months until publication of the report, must certify to the
22 Legislative Ethics Commission that publication will interfere
23 with the ongoing investigation.

24 The name of a State employee for whom discipline is
25 recommended in a summary report required to be published under
26 this subsection shall not be redacted from the report under

1 this Act or the Freedom of Information Act if the employee is
2 required to file a statement of economic interests under the
3 Illinois Governmental Ethics Act or the employee is alleged to
4 have violated Section 5-15, Section 5-45, or Article 10 of this
5 Act. Regarding summary reports required to be published under
6 this subsection that recommend discipline for any other State
7 employee, the Legislative Ethics Commission shall determine
8 whether it is in the public interest to publish or redact the
9 name of the State employee.

10 Notwithstanding the foregoing, the Inspector General may
11 redact information in summary reports that would reveal the
12 identity of witnesses, complainants, or informants before
13 publication if the Inspector General determines that it is
14 appropriate to protect their identity.

15 When the summary report is made public, the disciplinary
16 decision and justification from the State agency should also be
17 made public, along with any response from the employee if the
18 employee wishes.

19 (c) Not less than 30 days after delivery of the summary
20 report of an investigation under subsection (a), if the
21 Legislative Inspector General desires to file a petition for
22 leave to file a complaint, the Legislative Inspector General
23 shall notify the Commission and the Attorney General. If the
24 Attorney General determines that reasonable cause exists to
25 believe that a violation has occurred, then the Legislative
26 Inspector General, represented by the Attorney General, may

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

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

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

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

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

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

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

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

1 the Commission.

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

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

6 (l) When the Inspector General concludes that there is
7 insufficient evidence that a violation has occurred, the
8 Inspector General shall close the investigation. At the request
9 of the subject of the investigation, the Inspector General
10 shall provide a written statement to the subject of the
11 investigation and to the Commission of the Inspector General's
12 decision to close the investigation. Closure by the Inspector
13 General does not bar the Inspector General from resuming the
14 investigation if circumstances warrant.

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

16 (5 ILCS 430/25-95)

17 Sec. 25-95. Exemptions.

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

21 (a-5) Requests from ethics officers, members, and State
22 employees to the Office of the Legislative Inspector General, a
23 Special Legislative Inspector General, the Legislative Ethics
24 Commission, an ethics officer, or a person designated by a
25 legislative leader for guidance on matters involving the

1 interpretation or application of this Act or rules promulgated
2 under this Act are exempt from the provisions of the Freedom of
3 Information Act. Guidance provided to an ethics officer,
4 member, or State employee at the request of an ethics officer,
5 member, or State employee by the Office of the Legislative
6 Inspector General, a Special Legislative Inspector General,
7 the Legislative Ethics Commission, an ethics officer, or a
8 person designated by a legislative leader on matters involving
9 the interpretation or application of this Act or rules
10 promulgated under this Act is exempt from the provisions of the
11 Freedom of Information Act.

12 (b) Summary reports published pursuant to subsection (b-5)
13 of Section 25-50 are public records. Other ~~Any~~ allegations and
14 related documents submitted to the Legislative Inspector
15 General and any pleadings and related documents brought before
16 the Legislative Ethics Commission are exempt from the
17 provisions of the Freedom of Information Act so long as the
18 Legislative Ethics Commission does not make a finding of a
19 violation of this Act. If the Legislative Ethics Commission
20 finds that a violation has occurred, the entire record of
21 proceedings before the Commission, the decision and
22 recommendation, and the mandatory report from the agency head
23 or ultimate jurisdictional authority to the Legislative Ethics
24 Commission are not exempt from the provisions of the Freedom of
25 Information Act but information contained therein that is
26 exempt from the Freedom of Information Act must be redacted

1 before disclosure as provided in Section 8 of the Freedom of
2 Information Act.

3 (c) Meetings of the Commission under Sections 25-5 and
4 25-15 of this Act are exempt from the provisions of the Open
5 Meetings Act.

6 (d) Unless otherwise provided in this Act, all
7 investigatory files and reports of the Office of the
8 Legislative Inspector General, other than quarterly reports,
9 are confidential, are exempt from disclosure under the Freedom
10 of Information Act, and shall not be divulged to any person or
11 agency, except as necessary (i) to the appropriate law
12 enforcement authority if the matter is referred pursuant to
13 this Act, (ii) to the ultimate jurisdictional authority, or
14 (iii) to the Legislative Ethics Commission.

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

16 (5 ILCS 430/30-5)

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

18 (a) The Auditor General shall appoint an Inspector General
19 (i) to investigate allegations of violations of Articles 5 and
20 10 by State officers and employees under his or her
21 jurisdiction, (ii) to proactively monitor and review the hiring
22 practices and activities of the Office of the Auditor General,
23 and (iii) and ~~(ii)~~ to perform other duties and exercise other
24 powers assigned to the Inspectors General by this or any other
25 Act. The Inspector General shall be appointed within 6 months

1 after the effective date of this Act.

2 (b) The Auditor General shall provide by rule for the
3 operation of his or her Inspector General. It is declared to be
4 in the public interest, safety, and welfare that the Auditor
5 General adopt emergency rules under the Illinois
6 Administrative Procedure Act to initially perform his or her
7 duties under this subsection.

8 (c) The Auditor General may appoint an existing inspector
9 general as the Inspector General required by this Article,
10 provided that such an inspector general is not prohibited by
11 law, rule, jurisdiction, qualification, or interest from
12 serving as the Inspector General required by this Article.

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

15 (d) The Inspector General appointed by the Auditor General
16 may be removed by the Auditor General only for cause after the
17 Auditor General certifies to the Senate the reasons for
18 removal, the Senate conducts a public evidentiary hearing on
19 the reasons, and the Senate subsequently votes to remove the
20 Inspector General.

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

22 (5 ILCS 430/Art. 60 heading new)

23 ARTICLE 60. OTHER PROVISIONS

24 (5 ILCS 430/60-5 new)

1 Sec. 60-5. Consolidation study. By December 31, 2009, the
2 Executive Inspectors General, the Legislative Inspector
3 General, and the Auditor General's Inspector General jointly
4 shall study and report to the General Assembly upon the
5 feasibility and advisability of the consolidation of their
6 offices into one Office of the Ethics Inspector General.

7 Section 10. The Governor's Office of Management and Budget
8 Act is amended by changing Section 1 as follows:

9 (20 ILCS 3005/1) (from Ch. 127, par. 411)

10 Sec. 1. Definitions.

11 "Capital expenditure" means money spent for replacing,
12 remodeling, expanding, or acquiring facilities, buildings or
13 land owned directly by the State through any State department,
14 authority, public corporation of the State, State college or
15 university, or any other public agency created by the State,
16 but not units of local government or school districts.

17 "Director" means the Director of the Governor's Office of
18 Management and Budget.

19 "Office" means the Governor's Office of Management and
20 Budget.

21 "State Agency," whether used in the singular or plural,
22 means all Departments, Officers, Commissions, Boards,
23 Institutions and bodies, politic and corporate of the State,
24 including the Offices of Clerk of the Supreme Court and Clerks

1 of the Appellate Courts; except it shall not mean the several
2 Courts of the State, nor the Legislature, its Committees or
3 Commissions, nor the Constitutionally elected State Officers,
4 nor the Executive Ethics Commission, nor the Offices of
5 Executive Inspectors General.

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