



Sen. Dan Kotowski

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1 AMENDMENT TO SENATE BILL 1013

2 AMENDMENT NO. _____. Amend Senate Bill 1013, AS AMENDED,
3 by inserting the following in its proper numeric sequence in
4 Article 1:

5 "Section 1-35. The State Officials and Employees Ethics Act
6 is amended by changing Sections 20-10, 20-20, 20-50, 20-95,
7 25-10, 25-20, 25-50, 25-95, and 30-5 and by adding the heading
8 of Article 60 and Section 60-5 as follows:

9 (5 ILCS 430/20-10)

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

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

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

19 Nothing in this Article precludes the appointment by the
20 Governor, Attorney General, Secretary of State, Comptroller,
21 or Treasurer of any other inspector general required or
22 permitted by law. The Governor, Attorney General, Secretary of
23 State, Comptroller, and Treasurer each may appoint an existing
24 inspector general as the Executive Inspector General required
25 by this Article, provided that such an inspector general is not
26 prohibited by law, rule, jurisdiction, qualification, or

1 interest from serving as the Executive Inspector General
2 required by this Article. An appointing authority may not
3 appoint a relative as an Executive Inspector General.

4 Each Executive Inspector General shall have the following
5 qualifications:

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

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

10 (3) has 5 or more years of cumulative service (A) with
11 a federal, State, or local law enforcement agency, at least
12 2 years of which have been in a progressive investigatory
13 capacity; (B) as a federal, State, or local prosecutor; (C)
14 as a senior manager or executive of a federal, State, or
15 local agency; (D) as a member, an officer, or a State or
16 federal judge; or (E) representing any combination of (A)
17 through (D).

18 The term of each initial Executive Inspector General shall
19 commence upon qualification and shall run through June 30,
20 2008. The initial appointments shall be made within 60 days
21 after the effective date of this Act.

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

1 A vacancy occurring other than at the end of a term shall
2 be filled by the appointing authority only for the balance of
3 the term of the Executive Inspector General whose office is
4 vacant.

5 Terms shall run regardless of whether the position is
6 filled.

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

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

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

10 (d) The minimum compensation for each Executive Inspector
11 General shall be determined by the Executive Ethics Commission.
12 The actual compensation for each Executive Inspector General
13 shall be determined by the appointing executive branch
14 constitutional officer and must be at or above the minimum
15 compensation level set by the Executive Ethics Commission.

16 (d-5) Subject to Section 20-45 of this Act, each Executive
17 Inspector General has full authority to organize his or her
18 Office of the Executive Inspector General, including the
19 employment and determination of the compensation of staff, such
20 as deputies, assistants, and other employees, as
21 appropriations permit. Each Office of the Executive Inspector
22 General must include an administrative and investigative unit
23 dedicated solely to the proactive monitoring and review of the
24 hiring practices and activities of the State agencies under the
25 jurisdiction of that Executive Inspector General. Each Office
26 of the Executive Inspector General shall be given full access

1 to all hiring information of the State agencies under the
2 jurisdiction of that Executive Inspector General. A separate
3 appropriation shall be made for each Office of Executive
4 Inspector General. The total amount of appropriations for the
5 Office of an Executive Inspector General each fiscal year must
6 equal at least 0.1% of the total aggregate appropriations for
7 that fiscal year for all State agencies under the jurisdiction
8 of that Executive Inspector General.

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

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

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

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

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

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

25 (e-1) No Executive Inspector General or employee of the
26 Office of the Executive Inspector General may, for one year

1 after the termination of his or her appointment or employment:

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

3 (2) hold any elected public office; or

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

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

8 (f) An Executive Inspector General may be removed only for
9 cause and may be removed only after ~~by~~ the appointing
10 constitutional officer certifies to the Senate the reasons for
11 removal, the Senate conducts a public evidentiary hearing on
12 the reasons, and a majority of the Senate subsequently votes to
13 remove the Executive Inspector General. After. ~~At the time of~~
14 the removal, the appointing constitutional officer must report
15 to the Executive Ethics Commission the justification for the
16 removal.

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

18 (5 ILCS 430/20-20)

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

22 (1) To receive and investigate allegations of
23 violations of this Act. The Executive Inspector General may
24 initiate investigations (i) in response to ~~receive~~
25 information received through the Office of any Executive

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

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

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

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

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

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

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

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

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

18 (5 ILCS 430/20-50)

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

20 (a) If an Executive Inspector General, upon the conclusion
21 of an investigation, determines that reasonable cause exists to
22 believe that a violation has occurred, then the Executive
23 Inspector General shall issue a summary report of the
24 investigation. The report shall be delivered to the appropriate
25 ultimate jurisdictional authority and to the head of each State

1 agency affected by or involved in the investigation, if
2 appropriate.

3 (b) The summary report of the investigation shall include
4 the following:

5 (1) A description of any allegations or other
6 information received by the Executive Inspector General
7 pertinent to the investigation.

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

10 (3) Recommendations for any corrective or disciplinary
11 action to be taken in response to any alleged misconduct
12 described in the report, including but not limited to
13 discharge.

14 (4) Other information the Executive Inspector General
15 deems relevant to the investigation or resulting
16 recommendations.

17 (b-5) Within 60 days after delivery of a summary report,
18 the Executive Ethics Commission shall make the report public
19 unless within that 60-day period the Executive Inspector
20 General certifies to the Executive Ethics Commission that
21 publication of the summary report will interfere with an
22 ongoing investigation. When the Inspector General so
23 certifies, the Executive Ethics Commission shall publish the
24 report (i) within 6 months after the date of that
25 certification, if the ongoing investigation does not involve a
26 criminal matter, or (ii) within 2 years after the date of that

1 certification, if the ongoing investigation involves a
2 criminal matter. If the ongoing investigation involves a
3 criminal matter, the Executive Inspector General, every 6
4 months until publication of the report, must certify to the
5 Executive Ethics Commission that publication will interfere
6 with the ongoing investigation.

7 The name of a State employee for whom discipline is
8 recommended in a summary report required to be published under
9 this subsection shall not be redacted from the report under
10 this Act or the Freedom of Information Act if the employee is
11 required to file a statement of economic interests under the
12 Illinois Governmental Ethics Act or the employee is alleged to
13 have violated Section 5-15, Section 5-45, or Article 10 of this
14 Act. Regarding summary reports required to be published under
15 this subsection that recommend discipline for any other State
16 employee, the Executive Ethics Commission shall determine
17 whether it is in the public interest to publish or redact the
18 name of the State employee.

19 Notwithstanding the foregoing, the Inspector General may
20 redact information in summary reports that would reveal the
21 identity of witnesses, complainants, or informants before
22 publication if the Inspector General determines that it is
23 appropriate to protect their identity.

24 When the summary report is made public, the disciplinary
25 decision and justification from the State agency should also be
26 made public, along with any response from the employee if the

1 employee wishes.

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

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

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

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

23 (g) On the scheduled date the Commission shall conduct a
24 closed meeting, either in person or, if the parties consent, by
25 telephone, on the complaint and allow all parties the
26 opportunity to present testimony and evidence. All such

1 proceedings shall be transcribed.

2 (h) Within an appropriate time limit set by rules of the
3 Executive Ethics Commission, the Commission shall (i) dismiss
4 the complaint or (ii) issue a recommendation of discipline to
5 the respondent and the respondent's ultimate jurisdictional
6 authority or impose an administrative fine upon the respondent,
7 or both.

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

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

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

15 (l) When the Inspector General concludes that there is
16 insufficient evidence that a violation has occurred, the
17 Inspector General shall close the investigation. At the request
18 of the subject of the investigation, the Inspector General
19 shall provide a written statement to the subject of the
20 investigation and to the Commission of the Inspector General's
21 decision to close the investigation. Closure by the Inspector
22 General does not bar the Inspector General from resuming the
23 investigation if circumstances warrant.

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

25 (5 ILCS 430/20-95)

1 Sec. 20-95. Exemptions.

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

5 (b) Summary reports published pursuant to subsection (b-5)
6 of Section 20-50 are public records. Other ~~Any~~ allegations and
7 related documents submitted to an Executive Inspector General
8 and any pleadings and related documents brought before the
9 Executive Ethics Commission are exempt from the provisions of
10 the Freedom of Information Act so long as the Executive Ethics
11 Commission does not make a finding of a violation of this Act.
12 If the Executive Ethics Commission finds that a violation has
13 occurred, the entire record of proceedings before the
14 Commission, the decision and recommendation, and the mandatory
15 report from the agency head or ultimate jurisdictional
16 authority to the Executive Ethics Commission are not exempt
17 from the provisions of the Freedom of Information Act but
18 information contained therein that is otherwise exempt from the
19 Freedom of Information Act must be redacted before disclosure
20 as provided in Section 8 of the Freedom of Information Act.

21 (c) Meetings of the Commission under Sections 20-5 and
22 20-15 of this Act are exempt from the provisions of the Open
23 Meetings Act.

24 (d) Unless otherwise provided in this Act, all
25 investigatory files and reports of the Office of an Executive
26 Inspector General, other than quarterly reports, are

1 confidential, are exempt from disclosure under the Freedom of
2 Information Act, and shall not be divulged to any person or
3 agency, except as necessary (i) to the appropriate law
4 enforcement authority if the matter is referred pursuant to
5 this Act, (ii) to the ultimate jurisdictional authority, (iii)
6 to the Executive Ethics Commission; or (iv) to another
7 Inspector General appointed pursuant to this Act.

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

9 (5 ILCS 430/25-10)

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

11 (a) The independent Office of the Legislative Inspector
12 General is created. The Office shall be under the direction and
13 supervision of the Legislative Inspector General and shall be a
14 fully independent office with its own appropriation.

15 (b) The Legislative Inspector General shall be appointed
16 without regard to political affiliation and solely on the basis
17 of integrity and demonstrated ability. The Legislative Ethics
18 Commission shall diligently search out qualified candidates
19 for Legislative Inspector General and shall make
20 recommendations to the General Assembly.

21 The Legislative Inspector General shall be appointed by a
22 joint resolution of the Senate and the House of
23 Representatives, which may specify the date on which the
24 appointment takes effect. A joint resolution, or other document
25 as may be specified by the Joint Rules of the General Assembly,

1 appointing the Legislative Inspector General must be certified
2 by the Speaker of the House of Representatives and the
3 President of the Senate as having been adopted by the
4 affirmative vote of three-fifths of the members elected to each
5 house, respectively, and be filed with the Secretary of State.
6 The appointment of the Legislative Inspector General takes
7 effect on the day the appointment is completed by the General
8 Assembly, unless the appointment specifies a later date on
9 which it is to become effective.

10 The Legislative 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 Legislative Inspector General may not be a relative of
25 a commissioner.

26 The term of the initial Legislative Inspector General shall

1 commence upon qualification and shall run through June 30,
2 2008.

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

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

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

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

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

24 (d) The compensation of the Legislative Inspector General
25 shall be the greater of an amount (i) determined by the
26 Commission or (ii) by joint resolution of the General Assembly

1 passed by a majority of members elected in each chamber.

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

9 The Office of the Legislative Inspector General must
10 include an administrative and investigative unit dedicated
11 solely to the proactive monitoring and review of the hiring
12 practices and activities of the State agencies under the
13 jurisdiction of the Legislative Inspector General. The Office
14 of the Legislative Inspector General shall be given full access
15 to all hiring information of the State agencies under his or
16 her jurisdiction.

17 The total amount of appropriations for the Office of the
18 Legislative Inspector General each fiscal year must equal at
19 least 0.1% of the total aggregate appropriations for that
20 fiscal year for all State agencies under the jurisdiction of
21 the Legislative Inspector General.

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

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

26 (2) hold any other elected or appointed public office

1 except for appointments on governmental advisory boards or
2 study commissions or as otherwise expressly authorized by
3 law;

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

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

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

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

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

16 (2) hold any elected public office; or

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

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

21 (f) The Commission may remove the Legislative Inspector
22 General only for cause. At the time of the removal, the
23 Commission must report to the General Assembly the
24 justification for the removal.

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

1 (5 ILCS 430/25-20)

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

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

24 (2) To request information relating to an
25 investigation from any person when the Legislative
26 Inspector General deems that information necessary in

1 conducting an investigation.

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

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

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

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

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

19 (8) To request, as the Legislative Inspector General
20 deems appropriate, from ethics officers of State agencies
21 under his or her jurisdiction, reports or information on
22 (i) the content of a State agency's ethics training program
23 and (ii) the percentage of new officers and employees who
24 have completed ethics training.

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

1 (5 ILCS 430/25-50)

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

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

11 (b) The summary report of the investigation shall include
12 the following:

13 (1) A description of any allegations or other
14 information received by the Legislative Inspector General
15 pertinent to the investigation.

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

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

22 (4) Other information the Legislative Inspector
23 General deems relevant to the investigation or resulting
24 recommendations.

25 (b-5) Within 60 days after delivery of a summary report,
26 the Legislative Ethics Commission shall make the report public

1 unless within that 60-day period the Legislative Inspector
2 General certifies to the Legislative Ethics Commission that
3 publication of the summary report will interfere with an
4 ongoing investigation. When the Inspector General so
5 certifies, the Legislative Ethics Commission shall publish the
6 report (i) within 6 months after the date of that
7 certification, if the ongoing investigation does not involve a
8 criminal matter, or (ii) within 2 years after the date of that
9 certification, if the ongoing investigation involves a
10 criminal matter. If the ongoing investigation involves a
11 criminal matter, the Legislative Inspector General, every 6
12 months until publication of the report, must certify to the
13 Legislative Ethics Commission that publication will interfere
14 with the ongoing investigation.

15 The name of a State employee for whom discipline is
16 recommended in a summary report required to be published under
17 this subsection shall not be redacted from the report under
18 this Act or the Freedom of Information Act if the employee is
19 required to file a statement of economic interests under the
20 Illinois Governmental Ethics Act or the employee is alleged to
21 have violated Section 5-15, Section 5-45, or Article 10 of this
22 Act. Regarding summary reports required to be published under
23 this subsection that recommend discipline for any other State
24 employee, the Legislative Ethics Commission shall determine
25 whether it is in the public interest to publish or redact the
26 name of the State employee.

1 Notwithstanding the foregoing, the Inspector General may
2 redact information in summary reports that would reveal the
3 identity of witnesses, complainants, or informants before
4 publication if the Inspector General determines that it is
5 appropriate to protect their identity.

6 When the summary report is made public, the disciplinary
7 decision and justification from the State agency should also be
8 made public, along with any response from the employee if the
9 employee wishes.

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

1 period, there must be an affirmative act or representation
2 calculated to prevent discovery of the fact that a violation
3 has occurred. If a petition for leave to file a complaint is
4 not filed with the Commission within 6 months after notice by
5 the Inspector General to the Commission and the Attorney
6 General, then the Commission may set a meeting of the
7 Commission at which the Attorney General shall appear and
8 provide a status report to the Commission.

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

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

16 (f) The Commission shall meet, either in person or by
17 telephone, in a closed session to review the sufficiency of the
18 complaint. If the Commission finds that complaint is
19 sufficient, the Commission shall grant the petition for leave
20 to file the complaint. The Commission shall issue notice to the
21 Legislative Inspector General and all respondents of the
22 Commission's ruling on the sufficiency of the complaint. If the
23 complaint is deemed to sufficiently allege a violation of this
24 Act, then the Commission shall notify the parties and shall
25 include a hearing date scheduled within 4 weeks after the date
26 of the notice, unless all of the parties consent to a later

1 date. If the complaint is deemed not to sufficiently allege a
2 violation, then the Commission shall send by certified mail,
3 return receipt requested, a notice to the parties of the
4 decision to dismiss the complaint.

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

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

16 (i) The proceedings on any complaint filed with the
17 Commission shall be conducted pursuant to rules promulgated by
18 the Commission.

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

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

23 (l) When the Inspector General concludes that there is
24 insufficient evidence that a violation has occurred, the
25 Inspector General shall close the investigation. At the request
26 of the subject of the investigation, the Inspector General

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

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

7 (5 ILCS 430/25-95)

8 Sec. 25-95. Exemptions.

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

12 (a-5) Requests from ethics officers, members, and State
13 employees to the Office of the Legislative Inspector General, a
14 Special Legislative Inspector General, the Legislative Ethics
15 Commission, an ethics officer, or a person designated by a
16 legislative leader for guidance on matters involving the
17 interpretation or application of this Act or rules promulgated
18 under this Act are exempt from the provisions of the Freedom of
19 Information Act. Guidance provided to an ethics officer,
20 member, or State employee at the request of an ethics officer,
21 member, or State employee by the Office of the Legislative
22 Inspector General, a Special Legislative Inspector General,
23 the Legislative Ethics Commission, an ethics officer, or a
24 person designated by a legislative leader on matters involving
25 the interpretation or application of this Act or rules

1 promulgated under this Act is exempt from the provisions of the
2 Freedom of Information Act.

3 (b) Summary reports published pursuant to subsection (b-5)
4 of Section 25-50 are public records. Other ~~Any~~ allegations and
5 related documents submitted to the Legislative Inspector
6 General and any pleadings and related documents brought before
7 the Legislative Ethics Commission are exempt from the
8 provisions of the Freedom of Information Act so long as the
9 Legislative Ethics Commission does not make a finding of a
10 violation of this Act. If the Legislative Ethics Commission
11 finds that a violation has occurred, the entire record of
12 proceedings before the Commission, the decision and
13 recommendation, and the mandatory report from the agency head
14 or ultimate jurisdictional authority to the Legislative Ethics
15 Commission are not exempt from the provisions of the Freedom of
16 Information Act but information contained therein that is
17 exempt from the Freedom of Information Act must be redacted
18 before disclosure as provided in Section 8 of the Freedom of
19 Information Act.

20 (c) Meetings of the Commission under Sections 25-5 and
21 25-15 of this Act are exempt from the provisions of the Open
22 Meetings Act.

23 (d) Unless otherwise provided in this Act, all
24 investigatory files and reports of the Office of the
25 Legislative Inspector General, other than quarterly reports,
26 are confidential, are exempt from disclosure under the Freedom

1 of Information Act, and shall not be divulged to any person or
2 agency, except as necessary (i) to the appropriate law
3 enforcement authority if the matter is referred pursuant to
4 this Act, (ii) to the ultimate jurisdictional authority, or
5 (iii) to the Legislative Ethics Commission.

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

7 (5 ILCS 430/30-5)

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

9 (a) The Auditor General shall appoint an Inspector General

10 (i) to investigate allegations of violations of Articles 5 and
11 10 by State officers and employees under his or her
12 jurisdiction, (ii) to proactively monitor and review the hiring
13 practices and activities of the Office of the Auditor General,
14 and (iii) and ~~(ii)~~ to perform other duties and exercise other
15 powers assigned to the Inspectors General by this or any other
16 Act. The Inspector General shall be appointed within 6 months
17 after the effective date of this Act.

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

24 (c) The Auditor General may appoint an existing inspector
25 general as the Inspector General required by this Article,

1 provided that such an inspector general is not prohibited by
2 law, rule, jurisdiction, qualification, or interest from
3 serving as the Inspector General required by this Article.

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

6 (d) The Inspector General appointed by the Auditor General
7 may be removed by the Auditor General only for cause after the
8 Auditor General certifies to the Senate the reasons for
9 removal, the Senate conducts a public evidentiary hearing on
10 the reasons, and the Senate subsequently votes to remove the
11 Inspector General.

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

13 (5 ILCS 430/Art. 60 heading new)

14 ARTICLE 60. OTHER PROVISIONS

15 (5 ILCS 430/60-5 new)

16 Sec. 60-5. Consolidation study. By December 31, 2009, the
17 Executive Inspectors General, the Legislative Inspector
18 General, and the Auditor General's Inspector General jointly
19 shall study and report to the General Assembly upon the
20 feasibility and advisability of the consolidation of their
21 offices into one Office of the Ethics Inspector General.

22 Section 1-40. The Governor's Office of Management and
23 Budget Act is amended by changing Section 1 as follows:

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

2 Sec. 1. Definitions.

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

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

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

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

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