

1 AN ACT concerning local 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 1-5, 20-5, 20-10, 20-20, 20-21,
6 20-23, 20-50, 20-55, 20-70, and 70-5 as follows:

7 (5 ILCS 430/1-5)

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

9 "Appointee" means a person appointed to a position in or
10 with a State agency, regardless of whether the position is
11 compensated.

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

23 "Candidate" means a person who has filed nominating papers

1 or petitions for nomination or election to an elected State
2 office, or who has been appointed to fill a vacancy in
3 nomination, and who remains eligible for placement on the
4 ballot at either a general primary election or general
5 election.

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

9 "Commission" means an ethics commission created by this
10 Act.

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

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

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

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

1 performed or (ii) any appointed or elected commissioner,
2 trustee, director, or board member of a board of a State
3 agency, including any retirement system or investment board
4 subject to the Illinois Pension Code or (iii) any other
5 appointee.

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

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

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

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

26 "Leave of absence" means any period during which a State

1 employee does not receive (i) compensation for State
2 employment, (ii) service credit towards State pension
3 benefits, and (iii) health insurance benefits paid for by the
4 State.

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

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

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

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

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

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

1 regard to those activities that require filing with the State
2 Board of Elections or a county clerk.

3 "Prohibited political activity" means:

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

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

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

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

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

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

1 (7) Soliciting votes on behalf of a candidate for
2 elective office or a political organization or for or
3 against any referendum question or helping in an effort to
4 get voters to the polls.

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

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

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

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

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

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

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

26 (15) Participating in any recount or challenge to the

1 outcome of any election, except to the extent that under
2 subsection (d) of Section 6 of Article IV of the Illinois
3 Constitution each house of the General Assembly shall judge
4 the elections, returns, and qualifications of its members.

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

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

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

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

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

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

1 (6) is an agent of, a spouse of, or an immediate family
2 member who is living with a "prohibited source".

3 "Service Boards" means the Board of the Commuter Rail
4 Division of the Regional Transportation Authority, the Board of
5 the Suburban Bus Division of the Regional Transportation
6 Authority, and the Board of the Chicago Transit Authority
7 established under the Metropolitan Transit Authority Act.

8 "State agency" includes all officers, boards, commissions
9 and agencies created by the Constitution, whether in the
10 executive or legislative branch; all officers, departments,
11 boards, commissions, agencies, institutions, authorities,
12 public institutions of higher learning as defined in Section 2
13 of the Higher Education Cooperation Act (except community
14 colleges), and bodies politic and corporate of the State; and
15 administrative units or corporate outgrowths of the State
16 government which are created by or pursuant to statute, other
17 than units of local government (including community college
18 districts) and their officers, school districts, and boards of
19 election commissioners; and all administrative units and
20 corporate outgrowths of the above and as may be created by
21 executive order of the Governor. "State agency" includes the
22 General Assembly, the Senate, the House of Representatives, the
23 President and Minority Leader of the Senate, the Speaker and
24 Minority Leader of the House of Representatives, the Senate
25 Operations Commission, and the legislative support services
26 agencies. "State agency" includes the Office of the Auditor

1 General. "State agency" includes all board members, officers,
2 and employees of the Regional Transportation Authority and each
3 of the Service Boards. "State agency" does not include the
4 judicial branch.

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

6 "Ultimate jurisdictional authority" means the following:

7 (1) For members, legislative partisan staff, and
8 legislative secretaries, the appropriate legislative
9 leader: President of the Senate, Minority Leader of the
10 Senate, Speaker of the House of Representatives, or
11 Minority Leader of the House of Representatives.

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

15 (3) For State employees who are professional staff or
16 employees of the House of Representatives and not covered
17 under item (1), the Speaker of the House of
18 Representatives.

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

22 (5) For State employees of the Auditor General, the
23 Auditor General.

24 (6) For State employees of public institutions of
25 higher learning as defined in Section 2 of the Higher
26 Education Cooperation Act (except community colleges), the

1 board of trustees of the appropriate public institution of
2 higher learning.

3 (7) For State employees of an executive branch
4 constitutional officer other than those described in
5 paragraph (6), the appropriate executive branch
6 constitutional officer.

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

10 (Source: P.A. 95-880, eff. 8-19-08; 96-6, eff. 4-3-09; 96-555,
11 eff. 8-18-09.)

12 (5 ILCS 430/20-5)

13 Sec. 20-5. Executive Ethics Commission.

14 (a) The Executive Ethics Commission is created.

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

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

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

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

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

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

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

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

20 A member or legislative branch State employee serving on an
21 executive branch board or commission remains subject to the
22 jurisdiction of the Legislative Ethics Commission and is not
23 subject to the jurisdiction of the Executive Ethics Commission.

24 (d-5) The Executive Ethics Commission shall have
25 jurisdiction over all chief procurement officers and
26 procurement compliance monitors and their respective staffs.

1 The Executive Ethics Commission shall have jurisdiction over
2 any matters arising under the Illinois Procurement Code if the
3 Commission is given explicit authority in that Code.

4 (d-10) The Executive Ethics Commission shall have
5 jurisdiction over all board members, officers, and employees of
6 the Regional Transportation Authority and each of the Service
7 Boards.

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

23 (f) No commissioner or employee of the Executive Ethics
24 Commission may during his or her term of appointment or
25 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) advocate for the appointment of another person to
8 an appointed or elected office or position or actively
9 participate in any campaign for any elective office.

10 (g) An appointing authority may remove a commissioner only
11 for cause.

12 (h) The Executive Ethics Commission shall appoint an
13 Executive Director. The compensation of the Executive Director
14 shall be as determined by the Commission. The Executive
15 Director of the Executive Ethics Commission may employ and
16 determine the compensation of staff, as appropriations permit.

17 (i) The Executive Ethics Commission shall appoint, by a
18 majority of the members appointed to the Commission, chief
19 procurement officers and procurement compliance monitors in
20 accordance with the provisions of the Illinois Procurement
21 Code. The compensation of a chief procurement officer and
22 procurement compliance monitor shall be determined by the
23 Commission.

24 (Source: P.A. 96-555, eff. 8-18-09.)

25 (5 ILCS 430/20-10)

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

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

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

26 Nothing in this Article precludes the appointment by the

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

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

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

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

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

25 The term of each initial Executive Inspector General shall
26 commence upon qualification and shall run through June 30,

1 2008. The initial appointments shall be made within 60 days
2 after the effective date of this Act.

3 After the initial term, each Executive 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. An Executive 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 by the appointing authority only for the balance of
10 the term of the Executive Inspector General whose office is
11 vacant.

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

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

1 Executive Inspector General appointed by the Treasurer shall
2 have jurisdiction over the Treasurer and all officers and
3 employees of, and vendors and others doing business with, State
4 agencies within the jurisdiction of the Treasurer. The
5 Executive Inspector General appointed by the Governor shall
6 have jurisdiction over the Governor, the Lieutenant Governor,
7 and all officers and employees of, and vendors and others doing
8 business with, executive branch State agencies under the
9 jurisdiction of the Executive Ethics Commission and not within
10 the jurisdiction of the Attorney General, the Secretary of
11 State, the Comptroller, or the Treasurer. The Executive
12 Inspector General for the Office of the Governor shall also
13 have jurisdiction over the board members, officers, and
14 employees of the Regional Transportation Authority and each of
15 the Service Boards.

16 The jurisdiction of each Executive Inspector General is to
17 investigate allegations of fraud, waste, abuse, mismanagement,
18 misconduct, nonfeasance, misfeasance, malfeasance, or
19 violations of this Act or violations of other related laws and
20 rules.

21 (d) The compensation for each Executive Inspector General
22 shall be determined by the Executive Ethics Commission and
23 shall be made from appropriations made to the Comptroller for
24 this purpose. Subject to Section 20-45 of this Act, each
25 Executive Inspector General has full authority to organize his
26 or her Office of the Executive Inspector General, including the

1 employment and determination of the compensation of staff, such
2 as deputies, assistants, and other employees, as
3 appropriations permit. A separate appropriation shall be made
4 for each Office of Executive Inspector General.

5 (e) No Executive Inspector General or employee of the
6 Office of the Executive 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) advocate for the appointment of another person to
16 an appointed or elected office or position or actively
17 participate in any campaign for any elective office.

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

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

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

26 (2) hold any elected public office; or

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

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

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

10 (Source: P.A. 96-555, eff. 8-18-09.)

11 (5 ILCS 430/20-20)

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

15 (1) To receive and investigate allegations of
16 violations of this Act. An investigation may not be
17 initiated more than one year after the most recent act of
18 the alleged violation or of a series of alleged violations
19 except where there is reasonable cause to believe that
20 fraudulent concealment has occurred. To constitute
21 fraudulent concealment sufficient to toll this limitations
22 period, there must be an affirmative act or representation
23 calculated to prevent discovery of the fact that a
24 violation has occurred. The Executive Inspector General
25 shall have the discretion to determine the appropriate

1 means of investigation as permitted by law.

2 (1.5) To receive and investigate allegations of fraud,
3 waste, abuse, mismanagement, misconduct, nonfeasance,
4 misfeasance, malfeasance, or violations of the Regional
5 Transportation Authority Act or violations of other
6 related laws or rules.

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

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

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

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

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

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

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

7 (9) To review hiring and employment files of each State
8 agency within the Executive Inspector General's
9 jurisdiction to ensure compliance with *Rutan v. Republican*
10 Party of Illinois, 497 U.S. 62 (1990), and with all
11 applicable employment laws.

12 (10) To establish a policy that ensures the appropriate
13 handling and correct recording of all investigations
14 conducted by the Office, and to ensure that the policy is
15 accessible via the Internet in order that those seeking to
16 report those allegations are familiar with the process and
17 that the subjects of those allegations are treated fairly.

18 (Source: P.A. 96-555, eff. 8-18-09.)

19 (5 ILCS 430/20-21)

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

21 (a) The Executive Ethics Commission, on its own initiative
22 and by majority vote, may appoint special Executive Inspectors
23 General (i) to investigate alleged violations of this Act or
24 the Regional Transportation Authority Act and other related
25 laws and rules if an investigation by the Inspector General was

1 not concluded within 6 months after its initiation, where the
2 Commission finds that the Inspector General's reasons under
3 Section 20-65 for failing to complete the investigation are
4 insufficient, (ii) to accept referrals from the Commission of
5 allegations made pursuant to this Act concerning an Executive
6 Inspector General or employee of an Office of an Executive
7 Inspector General and to investigate those allegations, (iii)
8 to investigate matters within the jurisdiction of an Executive
9 Inspector General if an Executive Inspector General (including
10 his or her employees) could be reasonably deemed to be a
11 wrongdoer or suspect, or if in the determination of the
12 Commission, an investigation presents real or apparent
13 conflicts of interest for the Office of the Executive Inspector
14 General, and (iv) to investigate alleged violations of this Act
15 pursuant to Section 20-50 and Section 20-51.

16 (b) A special Executive Inspector General must have the
17 same qualifications as an Executive Inspector General
18 appointed under Section 20-10.

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

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

26 (e) A special Executive Inspector General shall report the

1 findings of his or her investigation to the Commission.

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

6 (Source: P.A. 96-555, eff. 8-18-09.)

7 (5 ILCS 430/20-23)

8 Sec. 20-23. Ethics Officers. Each officer and the head of
9 each State agency, including the Regional Transportation
10 Authority and each of the Service Boards, under the
11 jurisdiction of the Executive Ethics Commission shall
12 designate an Ethics Officer for the office or State agency.
13 Ethics Officers shall:

14 (1) act as liaisons between the State agency, including
15 the Regional Transportation Authority and each of the
16 Service Boards, and the appropriate Executive Inspector
17 General and between the State agency, including the
18 Regional Transportation Authority and each of the Service
19 Boards, and the Executive Ethics Commission;

20 (2) review statements of economic interest and
21 disclosure forms of officers, senior employees, and
22 contract monitors before they are filed with the Secretary
23 of State; and

24 (3) provide guidance to officers and employees in the
25 interpretation and implementation of this Act or the

1 Regional Transportation Authority Act and related laws and
2 rules, which the officer or employee may in good faith rely
3 upon. Such guidance shall be based, wherever possible, upon
4 legal precedent in court decisions, opinions of the
5 Attorney General, and the findings and opinions of the
6 Executive Ethics Commission.

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

8 (5 ILCS 430/20-50)

9 Sec. 20-50. Investigation reports.

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, including the Regional Transportation Authority and
17 the Service Boards, affected by or involved in the
18 investigation, if appropriate. The appropriate ultimate
19 jurisdictional authority or agency head shall respond to the
20 summary report within 20 days, in writing, to the Executive
21 Inspector General. The response shall include a description of
22 any corrective or disciplinary action to be imposed.

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

25 (1) A description of any allegations or other

1 information received by the Executive Inspector General
2 pertinent to the investigation.

3 (2) A description of any alleged misconduct discovered
4 in the course of the investigation.

5 (3) Recommendations for any corrective or disciplinary
6 action to be taken in response to any alleged misconduct
7 described in the report, including but not limited to
8 discharge.

9 (4) Other information the Executive Inspector General
10 deems relevant to the investigation or resulting
11 recommendations.

12 (c) Within 30 days after receiving a response from the
13 appropriate ultimate jurisdictional authority or agency head
14 under subsection (a), the Executive Inspector General shall
15 notify the Commission and the Attorney General if the Executive
16 Inspector General believes that a complaint should be filed
17 with the Commission. If the Executive Inspector General desires
18 to file a complaint with the Commission, the Executive
19 Inspector General shall submit the summary report and
20 supporting documents to the Attorney General. If the Attorney
21 General concludes that there is insufficient evidence that a
22 violation has occurred, the Attorney General shall notify the
23 Executive Inspector General and the Executive Inspector
24 General shall deliver to the Executive Ethics Commission a copy
25 of the summary report and response from the ultimate
26 jurisdictional authority or agency head. If the Attorney

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

19 (c-5) Within 30 days after receiving a response from the
20 appropriate ultimate jurisdictional authority or agency head
21 under subsection (a), if the Executive Inspector General does
22 not believe that a complaint should be filed, the Executive
23 Inspector General shall deliver to the Executive Ethics
24 Commission a statement setting forth the basis for the decision
25 not to file a complaint and a copy of the summary report and
26 response from the ultimate jurisdictional authority or agency

1 head. An Inspector General may also submit a redacted version
2 of the summary report and response from the ultimate
3 jurisdictional authority if the Inspector General believes
4 either contains information that, in the opinion of the
5 Inspector General, should be redacted prior to releasing the
6 report, may interfere with an ongoing investigation, or
7 identifies an informant or complainant.

8 (c-10) If, after reviewing the documents, the Commission
9 believes that further investigation is warranted, the
10 Commission may request that the Executive Inspector General
11 provide additional information or conduct further
12 investigation. The Commission may also appoint a Special
13 Executive Inspector General to investigate or refer the summary
14 report and response from the ultimate jurisdictional authority
15 to the Attorney General for further investigation or review. If
16 the Commission requests the Attorney General to investigate or
17 review, the Commission must notify the Attorney General and the
18 Inspector General. The Attorney General may not begin an
19 investigation or review until receipt of notice from the
20 Commission. If, after review, the Attorney General determines
21 that reasonable cause exists to believe that a violation has
22 occurred, then the Attorney General may file a complaint with
23 the Executive Ethics Commission. If the Attorney General
24 concludes that there is insufficient evidence that a violation
25 has occurred, the Attorney General shall notify the Executive
26 Ethics Commission and the appropriate Executive Inspector

1 General.

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

7 (e) A respondent may file objections to the complaint
8 within 30 days after notice of the petition has been served on
9 the respondent.

10 (f) The Commission shall meet, either in person or by
11 telephone, at least 30 days after the complaint is served on
12 all respondents in a closed session to review the sufficiency
13 of the complaint. The Commission shall issue notice by
14 certified mail, return receipt requested, to the Executive
15 Inspector General, Attorney General, and all respondents of the
16 Commission's ruling on the sufficiency of the complaint. If the
17 complaint is deemed to sufficiently allege a violation of this
18 Act or the Regional Transportation Authority Act and other
19 related laws and rules, then the Commission shall include a
20 hearing date scheduled within 4 weeks after the date of the
21 notice, unless all of the parties consent to a later date. If
22 the complaint is deemed not to sufficiently allege a violation,
23 then the Commission shall send by certified mail, return
24 receipt requested, a notice to the Executive Inspector General,
25 Attorney General, and all respondents of the decision to
26 dismiss the complaint.

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

6 (h) Within an appropriate time limit set by rules of the
7 Executive Ethics Commission, the Commission shall (i) dismiss
8 the complaint, (ii) issue a recommendation of discipline to the
9 respondent and the respondent's ultimate jurisdictional
10 authority, (iii) impose an administrative fine upon the
11 respondent, (iv) issue injunctive relief as described in
12 Section 50-10, or (v) impose a combination of (ii) through
13 (iv).

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

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

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

21 (l) Within 30 days after the issuance of a final
22 administrative decision that concludes that a violation
23 occurred, the Executive Ethics Commission shall make public the
24 entire record of proceedings before the Commission, the
25 decision, any recommendation, any discipline imposed, and the
26 response from the agency head or ultimate jurisdictional

1 authority to the Executive Ethics Commission.

2 (Source: P.A. 96-555, eff. 8-18-09.)

3 (5 ILCS 430/20-55)

4 Sec. 20-55. Decisions; recommendations.

5 (a) All decisions of the Executive Ethics Commission must
6 include a description of the alleged misconduct, the decision
7 of the Commission, including any fines levied and any
8 recommendation of discipline, and the reasoning for that
9 decision. All decisions of the Commission shall be delivered to
10 the head of the appropriate State agency, including the
11 Regional Transportation Authority and the Service Boards, the
12 appropriate ultimate jurisdictional authority, and the
13 appropriate Executive Inspector General. The Executive Ethics
14 Commission shall promulgate rules for the decision and
15 recommendation process.

16 (b) If the Executive Ethics Commission issues a
17 recommendation of discipline to an agency head or ultimate
18 jurisdictional authority, that agency head or ultimate
19 jurisdictional authority must respond to that recommendation
20 in 30 days with a written response to the Executive Ethics
21 Commission. This response must include any disciplinary action
22 the agency head or ultimate jurisdictional authority has taken
23 with respect to the officer or employee in question. If the
24 agency head or ultimate jurisdictional authority did not take
25 any disciplinary action, or took a different disciplinary

1 action than that recommended by the Executive Ethics
2 Commission, the agency head or ultimate jurisdictional
3 authority must describe the different action and explain the
4 reasons for the different action in the written response. This
5 response must be served upon the Executive Ethics Commission
6 and the appropriate Executive Inspector General within the
7 30-day period and is not exempt from the provisions of the
8 Freedom of Information Act.

9 (c) Disciplinary action under this Act against a person
10 subject to the Personnel Code, the Secretary of State Merit
11 Employment Code, the Comptroller Merit Employment Code, or the
12 State Treasurer Employment Code is within the jurisdiction of
13 the Executive Ethics Commission and is not within the
14 jurisdiction of those Acts.

15 (d) Any hearing to contest disciplinary action for a
16 violation of this Act against a person subject to the Personnel
17 Code, the Secretary of State Merit Employment Code, the
18 Comptroller Merit Employment Code, or the State Treasurer
19 Employment Code pursuant to an agreement between an Executive
20 Inspector General and an ultimate jurisdictional authority
21 shall be conducted by the Executive Ethics Commission and not
22 under any of those Acts.

23 (e) Any investigation or inquiry by the Executive Ethics
24 Commission or the Executive Inspector General for the Office of
25 the Governor of any Board member, officer, or employee of the
26 Regional Transportation Authority or a Service Board must be

1 conducted in accordance with the rights of the employees as set
2 forth in State and federal law and applicable judicial
3 decisions. Any recommendations for corrective or disciplinary
4 action toward any employee of the Regional Transportation
5 Authority or a Service Board must comply with the provisions of
6 any collective bargaining agreement that may apply to the
7 employee.

8 (f) Nothing in this Section shall diminish the rights,
9 privileges, or remedies of any Board member, officer, or
10 employee of the Regional Transportation Authority or a Service
11 Board under any other federal or State law, rule, or regulation
12 or under any collective bargaining agreement.

13 (Source: P.A. 96-555, eff. 8-18-09.)

14 (5 ILCS 430/20-70)

15 Sec. 20-70. Cooperation in investigations.

16 (a) It is the duty of every officer and employee under the
17 jurisdiction of an Executive Inspector General, including any
18 inspector general serving in any State agency under the
19 jurisdiction of that Executive Inspector General, to cooperate
20 with the Executive Inspector General and the Attorney General
21 in any investigation undertaken pursuant to this Act. Failure
22 to cooperate includes, but is not limited to, intentional
23 omissions and knowing false statements. Failure to cooperate
24 with an investigation of the Executive Inspector General or the
25 Attorney General is grounds for disciplinary action, including

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

3 (b) All Board members, officers, and employees of the
4 Regional Transportation Authority or a Service Board and all
5 officers, employees, vendors, subcontractors, and others doing
6 business with the Regional Transportation Authority or a
7 Service Board have a duty to cooperate with the Executive
8 Ethics Commission and the Executive Inspector General for the
9 Office of the Governor in any investigation undertaken pursuant
10 to this Section. Failure to cooperate includes, but is not
11 limited to, intentional omissions and knowing false
12 statements. Failure to cooperate with an investigation
13 pursuant to this Section is grounds for disciplinary action by
14 the Regional Transportation Authority or the appropriate
15 Service Board. Nothing in this Section limits or alters a
16 person's existing rights or protections under State or federal
17 law.

18 (c) All Board members, officers, and employees of the
19 Regional Transportation Authority or a Service Board have a
20 duty to report, directly and without undue delay, to the
21 Executive Inspector General for the Office of the Governor any
22 information concerning conduct which they know or should
23 reasonably know to involve corruption or other criminal
24 activity by a Board member, officer, employee, vendor,
25 subcontractor, or others doing business with the Regional
26 Transportation Authority or a Service Board. Failure to report

1 corrupt or other criminal activity to the Executive Inspector
2 General for the Office of the Governor is grounds for
3 disciplinary action by the Regional Transportation Authority
4 or a Service Board, as applicable.

5 (Source: P.A. 96-555, eff. 8-18-09.)

6 (5 ILCS 430/70-5)

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

9 (a) Within 6 months after the effective date of this Act,
10 each governmental entity other than a community college
11 district, and each community college district within 6 months
12 after the effective date of this amendatory Act of the 95th
13 General Assembly, shall adopt an ordinance or resolution that
14 regulates, in a manner no less restrictive than Section 5-15
15 and Article 10 of this Act, (i) the political activities of
16 officers and employees of the governmental entity and (ii) the
17 soliciting and accepting of gifts by and the offering and
18 making of gifts to officers and employees of the governmental
19 entity.

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

25 (c) As used in this Article, (i) an "officer" means an

1 elected or appointed official; regardless of whether the
2 official is compensated, and (ii) an "employee" means a
3 full-time, part-time, or contractual employee.

4 (d) On and after the effective date of this amendatory Act
5 of the 96th General Assembly, the provisions of this Section do
6 not apply to any board member, officer, or employee of the
7 Regional Transportation Authority or a Service Board.

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

9 Section 99. Effective date. This Act takes effect June 1,
10 2011.