



Sen. Martin A. Sandoval

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1 AMENDMENT TO SENATE BILL 3965

2 AMENDMENT NO. _____. Amend Senate Bill 3965 by replacing
3 everything after the enacting clause with the following:

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

1 Presidential or Vice-Presidential electors, but does not
2 include activities (i) relating to the support or opposition of
3 any executive, legislative, or administrative action (as those
4 terms are defined in Section 2 of the Lobbyist Registration
5 Act), (ii) relating to collective bargaining, or (iii) that are
6 otherwise in furtherance of the person's official State duties.

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

13 "Collective bargaining" has the same meaning as that term
14 is defined in Section 3 of the Illinois Public Labor Relations
15 Act.

16 "Commission" means an ethics commission created by this
17 Act.

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

23 "Compensatory time off" means authorized time off earned by
24 or awarded to a State employee to compensate in whole or in
25 part for time worked in excess of the minimum work time
26 required of that employee as a condition of employment with a

1 State agency.

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

4 "Employee" means (i) any person employed full-time,
5 part-time, or pursuant to a contract and whose employment
6 duties are subject to the direction and control of an employer
7 with regard to the material details of how the work is to be
8 performed or (ii) any appointed or elected commissioner,
9 trustee, director, or board member of a board of a State
10 agency, including any retirement system or investment board
11 subject to the Illinois Pension Code or (iii) any other
12 appointee.

13 "Employment benefits" include but are not limited to the
14 following: modified compensation or benefit terms; compensated
15 time off; or change of title, job duties, or location of office
16 or employment. An employment benefit may also include favorable
17 treatment in determining whether to bring any disciplinary or
18 similar action or favorable treatment during the course of any
19 disciplinary or similar action or other performance review.

20 "Executive branch constitutional officer" means the
21 Governor, Lieutenant Governor, Attorney General, Secretary of
22 State, Comptroller, and Treasurer.

23 "Gift" means any gratuity, discount, entertainment,
24 hospitality, loan, forbearance, or other tangible or
25 intangible item having monetary value including, but not
26 limited to, cash, food and drink, and honoraria for speaking

1 engagements related to or attributable to government
2 employment or the official position of an employee, member, or
3 officer.

4 "Governmental entity" means a unit of local government
5 (including a community college district) or a school district
6 but not a State agency.

7 "Leave of absence" means any period during which a State
8 employee does not receive (i) compensation for State
9 employment, (ii) service credit towards State pension
10 benefits, and (iii) health insurance benefits paid for by the
11 State.

12 "Legislative branch constitutional officer" means a member
13 of the General Assembly and the Auditor General.

14 "Legislative leader" means the President and Minority
15 Leader of the Senate and the Speaker and Minority Leader of the
16 House of Representatives.

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

18 "Officer" means an executive branch constitutional officer
19 or a legislative branch constitutional officer.

20 "Political" means any activity in support of or in
21 connection with any campaign for elective office or any
22 political organization, but does not include activities (i)
23 relating to the support or opposition of any executive,
24 legislative, or administrative action (as those terms are
25 defined in Section 2 of the Lobbyist Registration Act), (ii)
26 relating to collective bargaining, or (iii) that are otherwise

1 in furtherance of the person's official State duties or
2 governmental and public service functions.

3 "Political organization" means a party, committee,
4 association, fund, or other organization (whether or not
5 incorporated) that is required to file a statement of
6 organization with the State Board of Elections or a county
7 clerk under Section 9-3 of the Election Code, but only with
8 regard to those activities that require filing with the State
9 Board of Elections or a county clerk.

10 "Prohibited political activity" means:

11 (1) Preparing for, organizing, or participating in any
12 political meeting, political rally, political
13 demonstration, or other political event.

14 (2) Soliciting contributions, including but not
15 limited to the purchase of, selling, distributing, or
16 receiving payment for tickets for any political
17 fundraiser, political meeting, or other political event.

18 (3) Soliciting, planning the solicitation of, or
19 preparing any document or report regarding any thing of
20 value intended as a campaign contribution.

21 (4) Planning, conducting, or participating in a public
22 opinion poll in connection with a campaign for elective
23 office or on behalf of a political organization for
24 political purposes or for or against any referendum
25 question.

26 (5) Surveying or gathering information from potential

1 or actual voters in an election to determine probable vote
2 outcome in connection with a campaign for elective office
3 or on behalf of a political organization for political
4 purposes or for or against any referendum question.

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

8 (7) Soliciting votes on behalf of a candidate for
9 elective office or a political organization or for or
10 against any referendum question or helping in an effort to
11 get voters to the polls.

12 (8) Initiating for circulation, preparing,
13 circulating, reviewing, or filing any petition on behalf of
14 a candidate for elective office or for or against any
15 referendum question.

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

19 (10) Preparing or reviewing responses to candidate
20 questionnaires in connection with a campaign for elective
21 office or on behalf of a political organization for
22 political purposes.

23 (11) Distributing, preparing for distribution, or
24 mailing campaign literature, campaign signs, or other
25 campaign material on behalf of any candidate for elective
26 office or for or against any referendum question.

1 (12) Campaigning for any elective office or for or
2 against any referendum question.

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

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

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

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

13 (1) is seeking official action (i) by the member or
14 officer or (ii) in the case of an employee, by the employee
15 or by the member, officer, State agency, or other employee
16 directing the employee;

17 (2) does business or seeks to do business (i) with the
18 member or officer or (ii) in the case of an employee, with
19 the employee or with the member, officer, State agency, or
20 other employee directing the employee;

21 (3) conducts activities regulated (i) by the member or
22 officer or (ii) in the case of an employee, by the employee
23 or by the member, officer, State agency, or other employee
24 directing the employee;

25 (4) has interests that may be substantially affected by
26 the performance or non-performance of the official duties

1 of the member, officer, or employee;

2 (5) is registered or required to be registered with the
3 Secretary of State under the Lobbyist Registration Act,
4 except that an entity not otherwise a prohibited source
5 does not become a prohibited source merely because a
6 registered lobbyist is one of its members or serves on its
7 board of directors; or

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

10 "Service Boards" means the Board of the Commuter Rail
11 Division of the Regional Transportation Authority, the Board of
12 the Suburban Bus Division of the Regional Transportation
13 Authority, and the Board of the Chicago Transit Authority
14 established under the Metropolitan Transit Authority Act.

15 "State agency" includes all officers, boards, commissions
16 and agencies created by the Constitution, whether in the
17 executive or legislative branch; all officers, departments,
18 boards, commissions, agencies, institutions, authorities,
19 public institutions of higher learning as defined in Section 2
20 of the Higher Education Cooperation Act (except community
21 colleges), and bodies politic and corporate of the State; and
22 administrative units or corporate outgrowths of the State
23 government which are created by or pursuant to statute, other
24 than units of local government (including community college
25 districts) and their officers, school districts, and boards of
26 election commissioners; and all administrative units and

1 corporate outgrowths of the above and as may be created by
2 executive order of the Governor. "State agency" includes the
3 General Assembly, the Senate, the House of Representatives, the
4 President and Minority Leader of the Senate, the Speaker and
5 Minority Leader of the House of Representatives, the Senate
6 Operations Commission, and the legislative support services
7 agencies. "State agency" includes the Office of the Auditor
8 General. "State agency" includes all board members, officers,
9 and employees of the Regional Transportation Authority and each
10 of the Service Boards. "State agency" does not include the
11 judicial branch.

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

13 "Ultimate jurisdictional authority" means the following:

14 (1) For members, legislative partisan staff, and
15 legislative secretaries, the appropriate legislative
16 leader: President of the Senate, Minority Leader of the
17 Senate, Speaker of the House of Representatives, or
18 Minority Leader of the House of Representatives.

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

22 (3) For State employees who are professional staff or
23 employees of the House of Representatives and not covered
24 under item (1), the Speaker of the House of
25 Representatives.

26 (4) For State employees who are employees of the

1 legislative support services agencies, the Joint Committee
2 on Legislative Support Services.

3 (5) For State employees of the Auditor General, the
4 Auditor General.

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

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

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

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

19 (5 ILCS 430/20-5)

20 Sec. 20-5. Executive Ethics Commission.

21 (a) The Executive Ethics Commission is created.

22 (b) The Executive Ethics Commission shall consist of 9
23 commissioners. The Governor shall appoint 5 commissioners, and
24 the Attorney General, Secretary of State, Comptroller, and
25 Treasurer shall each appoint one commissioner. Appointments

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

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

24 After the initial terms, commissioners shall serve for
25 4-year terms commencing on July 1 of the year of appointment
26 and running through June 30 of the fourth following year.

1 Commissioners may be reappointed to one or more subsequent
2 terms.

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

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

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

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

1 A member or legislative branch State employee serving on an
2 executive branch board or commission remains subject to the
3 jurisdiction of the Legislative Ethics Commission and is not
4 subject to the jurisdiction of the Executive Ethics Commission.

5 (d-5) The Executive Ethics Commission shall have
6 jurisdiction over all chief procurement officers and
7 procurement compliance monitors and their respective staffs.
8 The Executive Ethics Commission shall have jurisdiction over
9 any matters arising under the Illinois Procurement Code if the
10 Commission is given explicit authority in that Code.

11 (d-10) The Executive Ethics Commission shall have
12 jurisdiction over all board members, officers, and employees of
13 the Regional Transportation Authority and each of the Service
14 Boards.

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

1 the compensation of members of the State Board of Elections and
2 may be reimbursed for their reasonable expenses actually
3 incurred in the performance of their duties.

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

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

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

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

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

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

19 (h) The Executive Ethics Commission shall appoint an
20 Executive Director. The compensation of the Executive Director
21 shall be as determined by the Commission. The Executive
22 Director of the Executive Ethics Commission may employ and
23 determine the compensation of staff, as appropriations permit.

24 (i) The Executive Ethics Commission shall appoint, by a
25 majority of the members appointed to the Commission, chief
26 procurement officers and procurement compliance monitors in

1 accordance with the provisions of the Illinois Procurement
2 Code. The compensation of a chief procurement officer and
3 procurement compliance monitor shall be determined by the
4 Commission.

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

6 (5 ILCS 430/20-10)

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

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

14 (b) The Governor, Attorney General, Secretary of State,
15 Comptroller, and Treasurer shall each appoint an Executive
16 Inspector General, without regard to political affiliation and
17 solely on the basis of integrity and demonstrated ability.
18 Appointments shall be made by and with the advice and consent
19 of the Senate by three-fifths of the elected members concurring
20 by record vote. Any nomination not acted upon by the Senate
21 within 60 session days of the receipt thereof shall be deemed
22 to have received the advice and consent of the Senate. If,
23 during a recess of the Senate, there is a vacancy in an office
24 of Executive Inspector General, the appointing authority shall
25 make a temporary appointment until the next meeting of the

1 Senate when the appointing authority shall make a nomination to
2 fill that office. No person rejected for an office of Executive
3 Inspector General shall, except by the Senate's request, be
4 nominated again for that office at the same session of the
5 Senate or be appointed to that office during a recess of that
6 Senate.

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

18 Each Executive Inspector General shall have the following
19 qualifications:

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

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

24 (3) has 5 or more years of cumulative service (A) with
25 a federal, State, or local law enforcement agency, at least
26 2 years of which have been in a progressive investigatory

1 capacity; (B) as a federal, State, or local prosecutor; (C)
2 as a senior manager or executive of a federal, State, or
3 local agency; (D) as a member, an officer, or a State or
4 federal judge; or (E) representing any combination of (A)
5 through (D).

6 The term of each initial Executive Inspector General shall
7 commence upon qualification and shall run through June 30,
8 2008. The initial appointments shall be made within 60 days
9 after the effective date of this Act.

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

15 A vacancy occurring other than at the end of a term shall
16 be filled by the appointing authority only for the balance of
17 the term of the Executive Inspector General whose office is
18 vacant.

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

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

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

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

1 rules.

2 (d) The compensation for each Executive Inspector General
3 shall be determined by the Executive Ethics Commission and
4 shall be made from appropriations made to the Comptroller for
5 this purpose. Subject to Section 20-45 of this Act, each
6 Executive Inspector General has full authority to organize his
7 or her Office of the Executive Inspector General, including the
8 employment and determination of the compensation of staff, such
9 as deputies, assistants, and other employees, as
10 appropriations permit. A separate appropriation shall be made
11 for each Office of Executive Inspector General.

12 (e) No Executive Inspector General or employee of the
13 Office of the Executive Inspector General may, during his or
14 her term of appointment or employment:

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

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

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

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

25 In this subsection an appointed public office means a
26 position authorized by law that is filled by an appointing

1 authority as provided by law and does not include employment by
2 hiring in the ordinary course of business.

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

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

7 (2) hold any elected public office; or

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

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

12 (f) An Executive Inspector General may be removed only for
13 cause and may be removed only by the appointing constitutional
14 officer. At the time of the removal, the appointing
15 constitutional officer must report to the Executive Ethics
16 Commission the justification for the removal.

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

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. An investigation may not be
24 initiated more than one year after the most recent act of
25 the alleged violation or of a series of alleged violations

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

9 (1.5) To receive and investigate allegations of fraud,
10 waste, abuse, mismanagement, misconduct, nonfeasance,
11 misfeasance, malfeasance, or violations of the Regional
12 Transportation Authority Act or violations of other
13 related laws or rules.

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

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

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

24 (5) To file pleadings in the name of the Executive
25 Inspector General with the Executive Ethics Commission,
26 through the Attorney General, as provided in this Article

1 if the Attorney General finds that reasonable cause exists
2 to believe that a violation has occurred.

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

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

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

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

19 (10) To establish a policy that ensures the appropriate
20 handling and correct recording of all investigations
21 conducted by the Office, and to ensure that the policy is
22 accessible via the Internet in order that those seeking to
23 report those allegations are familiar with the process and
24 that the subjects of those allegations are treated fairly.

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

1 (5 ILCS 430/20-21)

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

3 (a) The Executive Ethics Commission, on its own initiative
4 and by majority vote, may appoint special Executive Inspectors
5 General (i) to investigate alleged violations of this Act or
6 the Regional Transportation Authority Act and other related
7 laws and rules if an investigation by the Inspector General was
8 not concluded within 6 months after its initiation, where the
9 Commission finds that the Inspector General's reasons under
10 Section 20-65 for failing to complete the investigation are
11 insufficient, (ii) to accept referrals from the Commission of
12 allegations made pursuant to this Act concerning an Executive
13 Inspector General or employee of an Office of an Executive
14 Inspector General and to investigate those allegations, (iii)
15 to investigate matters within the jurisdiction of an Executive
16 Inspector General if an Executive Inspector General (including
17 his or her employees) could be reasonably deemed to be a
18 wrongdoer or suspect, or if in the determination of the
19 Commission, an investigation presents real or apparent
20 conflicts of interest for the Office of the Executive Inspector
21 General, and (iv) to investigate alleged violations of this Act
22 pursuant to Section 20-50 and Section 20-51.

23 (b) A special Executive Inspector General must have the
24 same qualifications as an Executive Inspector General
25 appointed under Section 20-10.

26 (c) The Commission's appointment of a special Executive

1 Inspector General must be in writing and must specify the
2 duration and purpose of the appointment.

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

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

9 (f) The Commission may report the findings of a special
10 Executive Inspector General and its recommendations, if any, to
11 the appointing authority of the appropriate Executive
12 Inspector General.

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

14 (5 ILCS 430/20-23)

15 Sec. 20-23. Ethics Officers. Each officer and the head of
16 each State agency, including the Regional Transportation
17 Authority and each of the Service Boards, under the
18 jurisdiction of the Executive Ethics Commission shall
19 designate an Ethics Officer for the office or State agency.
20 Ethics Officers shall:

21 (1) act as liaisons between the State agency, including
22 the Regional Transportation Authority and each of the
23 Service Boards, and the appropriate Executive Inspector
24 General and between the State agency, including the
25 Regional Transportation Authority and each of the Service

1 Boards, and the Executive Ethics Commission;

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

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

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

15 (5 ILCS 430/20-50)

16 Sec. 20-50. Investigation reports.

17 (a) If an Executive Inspector General, upon the conclusion
18 of an investigation, determines that reasonable cause exists to
19 believe that a violation has occurred, then the Executive
20 Inspector General shall issue a summary report of the
21 investigation. The report shall be delivered to the appropriate
22 ultimate jurisdictional authority and to the head of each State
23 agency, including the Regional Transportation Authority and
24 the Service Boards, affected by or involved in the
25 investigation, if appropriate. The appropriate ultimate

1 jurisdictional authority or agency head shall respond to the
2 summary report within 20 days, in writing, to the Executive
3 Inspector General. The response shall include a description of
4 any corrective or disciplinary action to be imposed.

5 (b) The summary report of the investigation shall include
6 the following:

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

10 (2) A description of any alleged misconduct discovered
11 in the course of the investigation.

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

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

19 (c) Within 30 days after receiving a response from the
20 appropriate ultimate jurisdictional authority or agency head
21 under subsection (a), the Executive Inspector General shall
22 notify the Commission and the Attorney General if the Executive
23 Inspector General believes that a complaint should be filed
24 with the Commission. If the Executive Inspector General desires
25 to file a complaint with the Commission, the Executive
26 Inspector General shall submit the summary report and

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

26 (c-5) Within 30 days after receiving a response from the

1 appropriate ultimate jurisdictional authority or agency head
2 under subsection (a), if the Executive Inspector General does
3 not believe that a complaint should be filed, the Executive
4 Inspector General shall deliver to the Executive Ethics
5 Commission a statement setting forth the basis for the decision
6 not to file a complaint and a copy of the summary report and
7 response from the ultimate jurisdictional authority or agency
8 head. An Inspector General may also submit a redacted version
9 of the summary report and response from the ultimate
10 jurisdictional authority if the Inspector General believes
11 either contains information that, in the opinion of the
12 Inspector General, should be redacted prior to releasing the
13 report, may interfere with an ongoing investigation, or
14 identifies an informant or complainant.

15 (c-10) If, after reviewing the documents, the Commission
16 believes that further investigation is warranted, the
17 Commission may request that the Executive Inspector General
18 provide additional information or conduct further
19 investigation. The Commission may also appoint a Special
20 Executive Inspector General to investigate or refer the summary
21 report and response from the ultimate jurisdictional authority
22 to the Attorney General for further investigation or review. If
23 the Commission requests the Attorney General to investigate or
24 review, the Commission must notify the Attorney General and the
25 Inspector General. The Attorney General may not begin an
26 investigation or review until receipt of notice from the

1 Commission. If, after review, the Attorney General determines
2 that reasonable cause exists to believe that a violation has
3 occurred, then the Attorney General may file a complaint with
4 the Executive Ethics Commission. If the Attorney General
5 concludes that there is insufficient evidence that a violation
6 has occurred, the Attorney General shall notify the Executive
7 Ethics Commission and the appropriate Executive Inspector
8 General.

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

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

17 (f) The Commission shall meet, either in person or by
18 telephone, at least 30 days after the complaint is served on
19 all respondents in a closed session to review the sufficiency
20 of the complaint. The Commission shall issue notice by
21 certified mail, return receipt requested, to the Executive
22 Inspector General, Attorney General, and all respondents of the
23 Commission's ruling on the sufficiency of the complaint. If the
24 complaint is deemed to sufficiently allege a violation of this
25 Act or the Regional Transportation Authority Act and other
26 related laws and rules, then the Commission shall include a

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

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

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

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

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

26 (k) In all proceedings before the Commission, the standard

1 of proof is by a preponderance of the evidence.

2 (1) Within 30 days after the issuance of a final
3 administrative decision that concludes that a violation
4 occurred, the Executive Ethics Commission shall make public the
5 entire record of proceedings before the Commission, the
6 decision, any recommendation, any discipline imposed, and the
7 response from the agency head or ultimate jurisdictional
8 authority to the Executive Ethics Commission.

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

10 (5 ILCS 430/20-55)

11 Sec. 20-55. Decisions; recommendations.

12 (a) All decisions of the Executive Ethics Commission must
13 include a description of the alleged misconduct, the decision
14 of the Commission, including any fines levied and any
15 recommendation of discipline, and the reasoning for that
16 decision. All decisions of the Commission shall be delivered to
17 the head of the appropriate State agency, including the
18 Regional Transportation Authority and the Service Boards, the
19 appropriate ultimate jurisdictional authority, and the
20 appropriate Executive Inspector General. The Executive Ethics
21 Commission shall promulgate rules for the decision and
22 recommendation process.

23 (b) If the Executive Ethics Commission issues a
24 recommendation of discipline to an agency head or ultimate
25 jurisdictional authority, that agency head or ultimate

1 jurisdictional authority must respond to that recommendation
2 in 30 days with a written response to the Executive Ethics
3 Commission. This response must include any disciplinary action
4 the agency head or ultimate jurisdictional authority has taken
5 with respect to the officer or employee in question. If the
6 agency head or ultimate jurisdictional authority did not take
7 any disciplinary action, or took a different disciplinary
8 action than that recommended by the Executive Ethics
9 Commission, the agency head or ultimate jurisdictional
10 authority must describe the different action and explain the
11 reasons for the different action in the written response. This
12 response must be served upon the Executive Ethics Commission
13 and the appropriate Executive Inspector General within the
14 30-day period and is not exempt from the provisions of the
15 Freedom of Information Act.

16 (c) Disciplinary action under this Act against a person
17 subject to the Personnel Code, the Secretary of State Merit
18 Employment Code, the Comptroller Merit Employment Code, or the
19 State Treasurer Employment Code is within the jurisdiction of
20 the Executive Ethics Commission and is not within the
21 jurisdiction of those Acts.

22 (d) Any hearing to contest disciplinary action for a
23 violation of this Act against a person subject to the Personnel
24 Code, the Secretary of State Merit Employment Code, the
25 Comptroller Merit Employment Code, or the State Treasurer
26 Employment Code pursuant to an agreement between an Executive

1 Inspector General and an ultimate jurisdictional authority
2 shall be conducted by the Executive Ethics Commission and not
3 under any of those Acts.

4 (e) Any investigation or inquiry by the Executive Ethics
5 Commission or the Executive Inspector General for the Office of
6 the Governor of any Board member, officer, or employee of the
7 Regional Transportation Authority or a Service Board must be
8 conducted in accordance with the rights of the employees as set
9 forth in State and federal law and applicable judicial
10 decisions. Any recommendations for corrective or disciplinary
11 action toward any employee of the Regional Transportation
12 Authority or a Service Board must comply with the provisions of
13 any collective bargaining agreement that may apply to the
14 employee.

15 (f) Nothing in this Section shall diminish the rights,
16 privileges, or remedies of any Board member, officer, or
17 employee of the Regional Transportation Authority or a Service
18 Board under any other federal or State law, rule, or regulation
19 or under any collective bargaining agreement.

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

21 (5 ILCS 430/20-70)

22 Sec. 20-70. Cooperation in investigations.

23 (a) It is the duty of every officer and employee under the
24 jurisdiction of an Executive Inspector General, including any
25 inspector general serving in any State agency under the

1 jurisdiction of that Executive Inspector General, to cooperate
2 with the Executive Inspector General and the Attorney General
3 in any investigation undertaken pursuant to this Act. Failure
4 to cooperate includes, but is not limited to, intentional
5 omissions and knowing false statements. Failure to cooperate
6 with an investigation of the Executive Inspector General or the
7 Attorney General is grounds for disciplinary action, including
8 dismissal. Nothing in this Section limits or alters a person's
9 existing rights or protections under State or federal law.

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

25 (c) All Board members, officers, and employees of the
26 Regional Transportation Authority or a Service Board have a

1 duty to report, directly and without undue delay, to the
2 Executive Inspector General for the Office of the Governor any
3 information concerning conduct which they know or should
4 reasonably know to involve corruption or other criminal
5 activity by a Board member, officer, employee, vendor,
6 subcontractor, or others doing business with the Regional
7 Transportation Authority or a Service Board. Failure to report
8 corrupt or other criminal activity to the Executive Inspector
9 General for the Office of the Governor is grounds for
10 disciplinary action by the Regional Transportation Authority
11 or a Service Board, as applicable.

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

13 (5 ILCS 430/70-5)

14 Sec. 70-5. Adoption by governmental entities. ~~Adoption by~~
15 ~~governmental entities.~~

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

1 entity.

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

7 (c) As used in this Article, (i) an "officer" means an
8 elected or appointed official; regardless of whether the
9 official is compensated, and (ii) an "employee" means a
10 full-time, part-time, or contractual employee.

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

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

16 Section 99. Effective date. This Act takes effect June 1,
17 2011."