

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, 20-23, 20-90,
6 and 20-95 and by adding the heading of Article 75 and Sections
7 75-5 and 75-10 as follows:

8 (5 ILCS 430/1-5)

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

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

13 "Board members of Regional Transit Boards" means any person
14 appointed to serve on the governing board of a Regional Transit
15 Board.

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

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

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

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

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

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

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

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

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

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

17 "Executive branch constitutional officer" means the
18 Governor, Lieutenant Governor, Attorney General, Secretary of
19 State, Comptroller, and Treasurer.

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

1 "Governmental entity" means a unit of local government
2 (including a community college district) or a school district
3 but not a State agency or a Regional Transit Board.

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

9 "Legislative branch constitutional officer" means a member
10 of the General Assembly and the Auditor General.

11 "Legislative leader" means the President and Minority
12 Leader of the Senate and the Speaker and Minority Leader of the
13 House of Representatives.

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

15 "Officer" means an executive branch constitutional officer
16 or a legislative branch constitutional officer.

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

26 "Political organization" means a party, committee,

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

7 "Prohibited political activity" means:

8 (1) Preparing for, organizing, or participating in any
9 political meeting, political rally, political
10 demonstration, or other political event.

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

15 (3) Soliciting, planning the solicitation of, or
16 preparing any document or report regarding any thing of
17 value intended as a campaign contribution.

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

23 (5) Surveying or gathering information from potential
24 or actual voters in an election to determine probable vote
25 outcome in connection with a campaign for elective office
26 or on behalf of a political organization for political

1 purposes or for or against any referendum question.

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

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

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

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

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

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

24 (12) Campaigning for any elective office or for or
25 against any referendum question.

26 (13) Managing or working on a campaign for elective

1 office or for or against any referendum question.

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

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

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

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

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

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

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

25 (5) is registered or required to be registered with the
26 Secretary of State under the Lobbyist Registration Act,

1 except that an entity not otherwise a prohibited source
2 does not become a prohibited source merely because a
3 registered lobbyist is one of its members or serves on its
4 board of directors; or

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

7 "Regional Transit Boards" means (i) the Regional
8 Transportation Authority created by the Regional
9 Transportation Authority Act, (ii) the Suburban Bus Division
10 created by the Regional Transportation Authority Act, (iii) the
11 Commuter Rail Division created by the Regional Transportation
12 Authority Act, and (iv) the Chicago Transit Authority created
13 by the Metropolitan Transit Authority Act.

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

1 executive order of the Governor. "State agency" includes the
2 General Assembly, the Senate, the House of Representatives, the
3 President and Minority Leader of the Senate, the Speaker and
4 Minority Leader of the House of Representatives, the Senate
5 Operations Commission, and the legislative support services
6 agencies. "State agency" includes the Office of the Auditor
7 General. "State agency" does not include the judicial branch.

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

9 "Ultimate jurisdictional authority" means the following:

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

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

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

22 (4) For State employees who are employees of the
23 legislative support services agencies, the Joint Committee
24 on Legislative Support Services.

25 (5) For State employees of the Auditor General, the
26 Auditor General.

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

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

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

13 (9) For employees of Regional Transit Boards, the
14 appropriate Regional Transit Board.

15 (10) For board members of Regional Transit Boards, 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 Executive Ethics Commission shall have
26 jurisdiction over all board members and employees of Regional

1 Transit Boards. The jurisdiction of the Commission is limited
2 to matters arising under this Act, except as provided in
3 subsection (d-5).

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

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

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

1 may be reimbursed for their reasonable expenses actually
2 incurred in the performance of their duties.

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

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

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

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

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

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

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

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

1 Code. The compensation of a chief procurement officer and
2 procurement compliance monitor shall be determined by the
3 Commission.

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

5 (5 ILCS 430/20-10)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (d) The compensation for each Executive Inspector General

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

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

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

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

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

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

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

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

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

5 (2) hold any elected public office; or

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

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

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

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

16 (5 ILCS 430/20-23)

17 Sec. 20-23. Ethics Officers. Each officer and the head of
18 each State agency under the jurisdiction of the Executive
19 Ethics Commission shall designate an Ethics Officer for the
20 office or State agency. The board of each Regional Transit
21 Board shall designate an Ethics Officer. Ethics Officers shall:

22 (1) act as liaisons between the State agency or
23 Regional Transit Board and the appropriate Executive
24 Inspector General and between the State agency or Regional
25 Transit Board and the Executive Ethics Commission;

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

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

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

13 (5 ILCS 430/20-90)

14 Sec. 20-90. Confidentiality.

15 (a) The identity of any individual providing information or
16 reporting any possible or alleged misconduct to an Executive
17 Inspector General or the Executive Ethics Commission shall be
18 kept confidential and may not be disclosed without the consent
19 of that individual, unless the individual consents to
20 disclosure of his or her name or disclosure of the individual's
21 identity is otherwise required by law. The confidentiality
22 granted by this subsection does not preclude the disclosure of
23 the identity of a person in any capacity other than as the
24 source of an allegation.

25 (b) Subject to the provisions of Section 20-52,

1 commissioners, employees, and agents of the Executive Ethics
2 Commission, the Executive Inspectors General, and employees
3 and agents of each Office of an Executive Inspector General,
4 the Attorney General, and the employees and agents of the
5 office of the Attorney General shall keep confidential and
6 shall not disclose information exempted from disclosure under
7 the Freedom of Information Act or by this Act, provided the
8 identity of any individual providing information or reporting
9 any possible or alleged misconduct to the Executive Inspector
10 General for the Governor may be disclosed to an Inspector
11 General appointed or employed by a Regional Transit Board in
12 accordance with Section 75-10.

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

14 (5 ILCS 430/20-95)

15 Sec. 20-95. Exemptions.

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

19 (b) Any allegations and related documents submitted to an
20 Executive Inspector General and any pleadings and related
21 documents brought before the Executive Ethics Commission are
22 exempt from the provisions of the Freedom of Information Act so
23 long as the Executive Ethics Commission does not make a finding
24 of a violation of this Act. If the Executive Ethics Commission
25 finds that a violation has occurred, the entire record of

1 proceedings before the Commission, the decision and
2 recommendation, and the response from the agency head or
3 ultimate jurisdictional authority to the Executive Ethics
4 Commission are not exempt from the provisions of the Freedom of
5 Information Act but information contained therein that is
6 otherwise exempt from the Freedom of Information Act must be
7 redacted before disclosure as provided in the Freedom of
8 Information Act. A summary report released by the Executive
9 Ethics Commission under Section 20-52 is a public record, but
10 information redacted by the Executive Ethics Commission shall
11 not be part of the public record.

12 (c) Meetings of the Commission are exempt from the
13 provisions of the Open Meetings Act.

14 (d) Unless otherwise provided in this Act, all
15 investigatory files and reports of the Office of an Executive
16 Inspector General, other than monthly reports required under
17 Section 20-85, are confidential, are exempt from disclosure
18 under the Freedom of Information Act, and shall not be divulged
19 to any person or agency, except as necessary (i) to a law
20 enforcement authority, (ii) to the ultimate jurisdictional
21 authority, (iii) to the Executive Ethics Commission, ~~or~~ (iv)
22 to another Inspector General appointed pursuant to this Act, or
23 (v) to an Inspector General appointed or employed by a Regional
24 Transit Board in accordance with Section 75-10.

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

1 (5 ILCS 430/Art. 75 heading new)

2 ARTICLE 75. REGIONAL TRANSIT BOARDS

3 (5 ILCS 430/75-5 new)

4 Sec. 75-5. Application of the State Officials and Employees
5 Ethics Act to the Regional Transit Boards.

6 (a) Beginning July 1, 2011, the provisions of Articles 1,
7 5, 10, 20, and 50 of this Act, as well as this Article, shall
8 apply to the Regional Transit Boards. As used in Articles 1, 5,
9 10, 20, 50, and 75, (i) "appointee" and "officer" include a
10 person appointed to serve on the board of a Regional Transit
11 Board, and (ii) "employee" and "State employee" include a
12 full-time, part-time, or contractual employee of a Regional
13 Transit Board.

14 (b) The Executive Ethics Commission shall have
15 jurisdiction over all board members and employees of the
16 Regional Transit Boards. The Executive Inspector General
17 appointed by the Governor shall have jurisdiction over all
18 board members, employees, vendors, and others doing business
19 with the Regional Transit Boards to investigate allegations of
20 fraud, waste, abuse, mismanagement, misconduct, nonfeasance,
21 misfeasance, malfeasance, or violations of this Act.

22 (5 ILCS 430/75-10 new)

23 Sec. 75-10. Coordination between Executive Inspector
24 General and Inspectors General appointed by Regional Transit

1 Boards.

2 (a) Nothing in this amendatory Act of the 96th General
3 Assembly precludes a Regional Transit Board from appointing or
4 employing an Inspector General to serve under the jurisdiction
5 of a Regional Transit Board to receive complaints and conduct
6 investigations in accordance with an ordinance or resolution
7 adopted by that respective Board, provided he or she is
8 approved by the Executive Ethics Commission. A Regional Transit
9 Board shall notify the Executive Ethics Commission within 10
10 days after employing or appointing a person to serve as
11 Inspector General, and the Executive Ethics Commission shall
12 approve or reject the appointment or employment of the
13 Inspector General. Any notification not acted upon by the
14 Executive Ethics Commission within 60 days after its receipt
15 shall be deemed to have received the approval of the Executive
16 Ethics Commission. Within 30 days after the effective date of
17 this amendatory Act of the 96th General Assembly, a Regional
18 Transit Board shall notify the Executive Ethics Commission of
19 any person serving on the effective date of this amendatory Act
20 as an Inspector General for the Regional Transit Board, and the
21 Executive Ethics Commission shall approve or reject the
22 appointment or employment within 30 days after receipt of the
23 notification, provided that any notification not acted upon by
24 the Executive Ethics Commission within 30 days shall be deemed
25 to have received approval. No person rejected by the Executive
26 Ethics Commission shall serve as an Inspector General for a

1 Regional Transit Board for a term of 5 years after being
2 rejected by the Commission. For purposes of this subsection
3 (a), any person appointed or employed by a Transit Board to
4 receive complaints and investigate allegations of fraud,
5 waste, abuse, mismanagement, misconduct, nonfeasance,
6 misfeasance, malfeasance, or violations of this Act shall be
7 considered an Inspector General and shall be subject to
8 approval of the Executive Ethics Commission.

9 (b) The Executive Inspector General appointed by the
10 Governor shall have exclusive jurisdiction to investigate
11 complaints or allegations of violations of this Act and, in his
12 or her discretion, may investigate other complaints or
13 allegations. Complaints or allegations of a violation of this
14 Act received by an Inspector General appointed or employed by a
15 Regional Transit Board shall be immediately referred to the
16 Executive Inspector General. The Executive Inspector General
17 shall have authority to assume responsibility and investigate
18 any complaint or allegation received by an Inspector General
19 appointed or employed by a Regional Transit Board. In the event
20 the Executive Inspector General provides written notification
21 of intent to assume investigatory responsibility for a
22 complaint, allegation, or ongoing investigation, the Inspector
23 General appointed or employed by a Regional Transit Board shall
24 cease review of the complaint, allegation, or ongoing
25 investigation and provide all information to the Executive
26 Inspector General. The Executive Inspector General may

1 delegate responsibility for an investigation to the Inspector
2 General appointed or employed by a Regional Transit Board. In
3 the event the Executive Inspector General provides an Inspector
4 General appointed or employed by a Regional Transit Board with
5 written notification of intent to delegate investigatory
6 responsibility for a complaint, allegation, or ongoing
7 investigation, the Executive Inspector General shall provide
8 all information to the Inspector General appointed or employed
9 by a Regional Transit Board.

10 (c) An Inspector General appointed or employed by a
11 Regional Transit Board shall provide a monthly activity report
12 to the Executive Inspector General indicating:

13 (1) the total number of complaints or allegations
14 received since the date of the last report and a
15 description of each complaint;

16 (2) the number of investigations pending as of the
17 reporting date and the status of each investigation;

18 (3) the number of investigations concluded since the
19 date of the last report and the result of each
20 investigation; and

21 (4) the status of any investigation delegated by the
22 Executive Inspector General.

23 An Inspector General appointed or employed by a Regional
24 Transit Board and the Executive Inspector General shall
25 cooperate and share resources or information as necessary to
26 implement the provisions of this Article.

1 (d) Reports filed under this Section are exempt from the
2 Freedom of Information Act and shall be deemed confidential.
3 Investigatory files and reports prepared by the Office of the
4 Executive Inspector General and the Office of an Inspector
5 General appointed or employed by a Regional Transit Board may
6 be disclosed between the Offices as necessary to implement the
7 provisions of this Article.

8 Section 10. The Metropolitan Transit Authority Act is
9 amended by changing Section 21 as follows:

10 (70 ILCS 3605/21) (from Ch. 111 2/3, par. 321)

11 Sec. 21. Members of the Board shall hold office until their
12 respective successors have been appointed and have qualified.
13 Any member may resign from his or her office, to take effect
14 when his or her successor has been appointed and has qualified.
15 The Governor and the Mayor, respectively, may remove any member
16 of the Board appointed by him or her in case of incompetency,
17 neglect of duty, or malfeasance in office. They may give him or
18 her a copy of the charges against him or her and an opportunity
19 to be publicly heard in person or by counsel in his or her own
20 defense upon not less than 10 ~~ten~~ days' notice. The Governor
21 may remove any member in response to a summary report received
22 from the Executive Inspector General in accordance with Section
23 20-50 of the State Officials and Employees Ethics Act, provided
24 he or she has an opportunity to be publicly heard in person or

1 by counsel prior to removal. In case of failure to qualify
2 within the time required, or of abandonment of his or her
3 office, or in case of death, conviction of a crime or removal
4 from office, his or her office shall become vacant. Each
5 vacancy shall be filled for the unexpired term by appointment
6 in like manner, and with like regard as to the place of
7 residence of the appointee, as in case of expiration of the
8 term of a member of the Board.

9 (Source: Laws 1945, p. 1171.)

10 Section 15. The Regional Transportation Authority Act is
11 amended by changing Sections 3.03, 3A.03, and 3B.03 as follows:

12 (70 ILCS 3615/3.03) (from Ch. 111 2/3, par. 703.03)

13 Sec. 3.03. Terms, vacancies. Each Director shall hold
14 office for a term of 5 years, and until his successor has been
15 appointed and has qualified. A vacancy shall occur upon
16 resignation, death, conviction of a felony, or removal from
17 office of a Director. Any Director may be removed from office
18 (i) upon concurrence of not less than 11 Directors, on a formal
19 finding of incompetence, neglect of duty, or malfeasance in
20 office or (ii) by the Governor in response to a summary report
21 received from the Executive Inspector General in accordance
22 with Section 20-50 of the State Officials and Employees Ethics
23 Act, provided he or she has an opportunity to be publicly heard
24 in person or by counsel prior to removal. Within 30 days after

1 the office of any member becomes vacant for any reason, the
2 appointing authorities of such member shall make an appointment
3 to fill the vacancy. A vacancy shall be filled for the
4 unexpired term.

5 Whenever a vacancy for a Director, except as to the
6 Chairman or those Directors appointed by the Mayor of the City
7 of Chicago, exists for longer than 4 months, the new Director
8 shall be chosen by election by all legislative members in the
9 General Assembly representing the affected area. In order to
10 qualify as a voting legislative member in this matter, the
11 affected area must be more than 50% of the geographic area of
12 the legislative district.

13 (Source: P.A. 95-708, eff. 1-18-08.)

14 (70 ILCS 3615/3A.03) (from Ch. 111 2/3, par. 703A.03)

15 Sec. 3A.03. Terms, Vacancies. The initial term of the
16 directors appointed pursuant to subdivision (a) of Section
17 3A.02 shall expire on June 30, 1985; the initial term of the
18 directors appointed pursuant to subdivisions (b) through (g) of
19 Section 3A.02 shall expire on June 30, 1986. Thereafter, each
20 director shall be appointed for a term of 4 years, and until
21 his successor has been appointed and qualified. A vacancy shall
22 occur upon the resignation, death, conviction of a felony, or
23 removal from office of a director. Any director may be removed
24 from office (i) upon the concurrence of not less than 8
25 directors, on a formal finding of incompetence, neglect of

1 duty, or malfeasance in office or (ii) by the Governor in
2 response to a summary report received from the Executive
3 Inspector General in accordance with Section 20-50 of the State
4 Officials and Employees Ethics Act, provided he or she has an
5 opportunity to be publicly heard in person or by counsel prior
6 to removal. Within 30 days after the office of any director
7 becomes vacant for any reason, the appointing authorities of
8 such director shall make an appointment to fill the vacancy. A
9 vacancy shall be filled for the unexpired term. The initial
10 directors other than the chairman shall be appointed within 180
11 days of November 9, 1983.

12 On June 1, 1984 the seat of any Director of the Suburban
13 Bus Board not yet filled shall be deemed vacant and shall be
14 chosen by the election of all the legislative members of the
15 General Assembly representing the affected area. In order to
16 qualify as a voting legislative member in this matter, the
17 affected area must be more than 50% of the geographic area of
18 the legislative district.

19 (Source: P.A. 83-1156.)

20 (70 ILCS 3615/3B.03) (from Ch. 111 2/3, par. 703B.03)

21 Sec. 3B.03. Terms, Vacancies. Each director shall be
22 appointed for a term of 4 years, and until his successor has
23 been appointed and qualified. A vacancy shall occur upon the
24 resignation, death, conviction of a felony, or removal from
25 office of a director. Any director may be removed from office

1 (i) upon the concurrence of not less than 8 directors, on a
2 formal finding of incompetence, neglect of duty, or malfeasance
3 in office or (ii) by the Governor in response to a summary
4 report received from the Executive Inspector General in
5 accordance with Section 20-50 of the State Officials and
6 Employees Ethics Act, provided he or she has an opportunity to
7 be publicly heard in person or by counsel prior to removal.

8 Within 30 days after the office of any director becomes vacant
9 for any reason, the appropriate appointing authorities of such
10 director, as provided in Section 3B.02, shall make an
11 appointment to fill the vacancy. A vacancy shall be filled for
12 the unexpired term.

13 (Source: P.A. 95-708, eff. 1-18-08.)

14 Section 99. Effective date. This Act takes effect July 1,
15 2011.