

# SB0131



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB0131

Introduced 1/27/2011, by Sen. Martin A. Sandoval

#### SYNOPSIS AS INTRODUCED:

5 ILCS 430/20-10

Amends the State Officials and Employees Ethics Act. Authorizes the Governor to appoint an Executive Inspector General for Higher Education to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violations of the Act by public institutions of higher education, their officers, and their employees. Provides that the term of the initial Executive Inspector General for Higher Education shall commence upon qualification and shall run through June 30, 2013. Requires the initial appointment of the Executive Inspector General for Higher Education to be made within 60 days after the effective date of the amendatory Act.

LRB097 06218 JDS 46293 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

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

4 Section 5. The State Officials and Employees Ethics Act is  
5 amended by changing Section 20-10 as follows:

6 (5 ILCS 430/20-10)

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

8 (a) Six ~~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 and one for higher education. Each Office shall be  
12 under the direction and supervision of an Executive Inspector  
13 General and shall be a fully independent office with separate  
14 appropriations.

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

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

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

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

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

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

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

11 The term of each initial Executive Inspector General other  
12 than the Executive Inspector General for Higher Education shall  
13 commence upon qualification and shall run through June 30,  
14 2008. The initial appointments, other than the initial  
15 appointment of the Executive Inspector General for Higher  
16 Education, shall be made within 60 days after the effective  
17 date of this Act. The term of the initial Executive Inspector  
18 General for Higher Education shall commence upon qualification  
19 and shall run through June 30, 2013. The initial appointment of  
20 the Executive Inspector General for Higher Education shall be  
21 made within 60 days after the effective date of this amendatory  
22 Act of the 97th General Assembly.

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

1 reappointed to one or more subsequent terms.

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

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

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

1 and all officers and employees of, and vendors and others doing  
2 business with, executive branch State agencies under the  
3 jurisdiction of the Executive Ethics Commission and not within  
4 the jurisdiction of the Attorney General, the Secretary of  
5 State, the Comptroller, ~~or~~ the Treasurer, or the Executive  
6 Inspector General for Higher Education. The Executive  
7 Inspector General for Higher Education appointed by the  
8 Governor has jurisdiction over all public institutions of  
9 higher education, as that term is defined in Section 1 of the  
10 Board of Higher Education Act, and all officers and employees  
11 of those institutions.

12 The jurisdiction of each Executive Inspector General is to  
13 investigate allegations of fraud, waste, abuse, mismanagement,  
14 misconduct, nonfeasance, misfeasance, malfeasance, or  
15 violations of this Act or violations of other related laws and  
16 rules.

17 (d) The compensation for each Executive Inspector General  
18 shall be determined by the Executive Ethics Commission and  
19 shall be made from appropriations made to the Comptroller for  
20 this purpose. Subject to Section 20-45 of this Act, each  
21 Executive Inspector General has full authority to organize his  
22 or her Office of the Executive Inspector General, including the  
23 employment and determination of the compensation of staff, such  
24 as deputies, assistants, and other employees, as  
25 appropriations permit. A separate appropriation shall be made  
26 for each Office of Executive Inspector General.

1 (e) No Executive Inspector General or employee of the  
2 Office of the Executive Inspector General may, during his or  
3 her term of appointment or employment:

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

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

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

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

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

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

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

22 (2) hold any elected public office; or

23 (3) hold any appointed State, county, or local judicial  
24 office.

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

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

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