



Rep. Gary Hannig

**Filed: 10/25/2005**

09400SB1879ham001

LRB094 09182 JAM 49948 a

1 AMENDMENT TO SENATE BILL 1879

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1879 by replacing  
3 everything after the enacting clause with the following:

4 "Section 3. The Illinois Governmental Ethics Act is amended  
5 by changing Sections 4A-101, 4A-102, 4A-106, and 4A-107 as  
6 follows:

7 (5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

8 Sec. 4A-101. Persons required to file. The following  
9 persons shall file verified written statements of economic  
10 interests, as provided in this Article:

11 (a) Members of the General Assembly and candidates for  
12 nomination or election to the General Assembly.

13 (b) Persons holding an elected office in the Executive  
14 Branch of this State, and candidates for nomination or  
15 election to these offices.

16 (c) Members of a Commission or Board created by the  
17 Illinois Constitution, and candidates for nomination or  
18 election to such Commission or Board.

19 (d) Persons whose appointment to office is subject to  
20 confirmation by the Senate.

21 (e) Holders of, and candidates for nomination or  
22 election to, the office of judge or associate judge of the  
23 Circuit Court and the office of judge of the Appellate or  
24 Supreme Court.

1 (f) Persons who are employed by any branch, agency,  
2 authority or board of the government of this State,  
3 including but not limited to, the Illinois State Toll  
4 Highway Authority, the Illinois Housing Development  
5 Authority, the Illinois Community College Board, and  
6 institutions under the jurisdiction of the Board of  
7 Trustees of the University of Illinois, Board of Trustees  
8 of Southern Illinois University, Board of Trustees of  
9 Chicago State University, Board of Trustees of Eastern  
10 Illinois University, Board of Trustees of Governor's State  
11 University, Board of Trustees of Illinois State  
12 University, Board of Trustees of Northeastern Illinois  
13 University, Board of Trustees of Northern Illinois  
14 University, Board of Trustees of Western Illinois  
15 University, or Board of Trustees of the Illinois  
16 Mathematics and Science Academy, and are compensated for  
17 services as employees and not as independent contractors  
18 and who:

19 (1) are, or function as, the head of a department,  
20 commission, board, division, bureau, authority or  
21 other administrative unit within the government of  
22 this State, or who exercise similar authority within  
23 the government of this State;

24 (2) have direct supervisory authority over, or  
25 direct responsibility for the formulation,  
26 negotiation, issuance or execution of contracts  
27 entered into by the State in the amount of \$5,000 or  
28 more;

29 (3) have authority for the issuance or  
30 promulgation of rules and regulations within areas  
31 under the authority of the State;

32 (4) have authority for the approval of  
33 professional licenses;

34 (5) have responsibility with respect to the

1 financial inspection of regulated nongovernmental  
2 entities;

3 (6) adjudicate, arbitrate, or decide any judicial  
4 or administrative proceeding, or review the  
5 adjudication, arbitration or decision of any judicial  
6 or administrative proceeding within the authority of  
7 the State;

8 (7) have supervisory responsibility for 20 or more  
9 employees of the State; or

10 (8) negotiate, assign, authorize, or grant naming  
11 rights or sponsorship rights regarding any property or  
12 asset of the State, whether real, personal, tangible,  
13 or intangible.

14 (g) Persons who are elected to office in a unit of  
15 local government, and candidates for nomination or  
16 election to that office, including regional  
17 superintendents of school districts.

18 (h) Persons appointed to the governing board of a unit  
19 of local government, or of a special district, and persons  
20 appointed to a zoning board, or zoning board of appeals, or  
21 to a regional, county, or municipal plan commission, or to  
22 a board of review of any county, and persons appointed to  
23 the Board of the Metropolitan Pier and Exposition Authority  
24 and any Trustee appointed under Section 22 of the  
25 Metropolitan Pier and Exposition Authority Act, and  
26 persons appointed to a board or commission of a unit of  
27 local government who have authority to authorize the  
28 expenditure of public funds. This subsection does not apply  
29 to members of boards or commissions who function in an  
30 advisory capacity.

31 (i) Persons who are employed by a unit of local  
32 government and are compensated for services as employees  
33 and not as independent contractors and who:

34 (1) are, or function as, the head of a department,

1 division, bureau, authority or other administrative  
2 unit within the unit of local government, or who  
3 exercise similar authority within the unit of local  
4 government;

5 (2) have direct supervisory authority over, or  
6 direct responsibility for the formulation,  
7 negotiation, issuance or execution of contracts  
8 entered into by the unit of local government in the  
9 amount of \$1,000 or greater;

10 (3) have authority to approve licenses and permits  
11 by the unit of local government; this item does not  
12 include employees who function in a ministerial  
13 capacity;

14 (4) adjudicate, arbitrate, or decide any judicial  
15 or administrative proceeding, or review the  
16 adjudication, arbitration or decision of any judicial  
17 or administrative proceeding within the authority of  
18 the unit of local government;

19 (5) have authority to issue or promulgate rules and  
20 regulations within areas under the authority of the  
21 unit of local government; or

22 (6) have supervisory responsibility for 20 or more  
23 employees of the unit of local government.

24 (j) Persons on the Board of Trustees of the Illinois  
25 Mathematics and Science Academy.

26 (k) Persons employed by a school district in positions  
27 that require that person to hold an administrative or a  
28 chief school business official endorsement.

29 (l) Special government agents. A "special government  
30 agent" is a person who is directed, retained, designated,  
31 appointed, or employed, with or without compensation, by or  
32 on behalf of a statewide executive branch constitutional  
33 officer to make an ex parte communication under Section  
34 5-50 of the State Officials and Employees Ethics Act or

1 Section 5-165 of the Illinois Administrative Procedure  
2 Act.

3 (m) Members of the board of any pension fund or  
4 retirement system established under Article 2, 14, 15, 16,  
5 or 18 of the Illinois Pension Code and members of the  
6 Illinois State Board of Investment, if not required to file  
7 under any other provision of this Section.

8 (n) Members of the board of any pension fund or  
9 retirement system established under Article 3, 4, 5, 6, 7,  
10 8, 9, 10, 11, 12, 13, 17, 19, or 22 of the Illinois Pension  
11 Code, if not required to file under any other provision of  
12 this Section.

13 This Section shall not be construed to prevent any unit of  
14 local government from enacting financial disclosure  
15 requirements that mandate more information than required by  
16 this Act.

17 (Source: P.A. 93-617, eff. 12-9-03; 93-816, eff. 7-27-04.)

18 (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

19 Sec. 4A-102. The statement of economic interests required  
20 by this Article shall include the economic interests of the  
21 person making the statement as provided in this Section. The  
22 interest (if constructively controlled by the person making the  
23 statement) of a spouse or any other party, shall be considered  
24 to be the same as the interest of the person making the  
25 statement. Campaign receipts shall not be included in this  
26 statement.

27 (a) The following interests shall be listed by all persons  
28 required to file:

29 (1) The name, address and type of practice of any  
30 professional organization or individual professional  
31 practice in which the person making the statement was an  
32 officer, director, associate, partner or proprietor, or  
33 served in any advisory capacity, from which income in

1 excess of \$1200 was derived during the preceding calendar  
2 year;

3 (2) The nature of professional services (other than  
4 services rendered to the unit or units of government in  
5 relation to which the person is required to file) and the  
6 nature of the entity to which they were rendered if fees  
7 exceeding \$5,000 were received during the preceding  
8 calendar year from the entity for professional services  
9 rendered by the person making the statement.

10 (3) The identity (including the address or legal  
11 description of real estate) of any capital asset from which  
12 a capital gain of \$5,000 or more was realized in the  
13 preceding calendar year.

14 (4) The name of any unit of government which has  
15 employed the person making the statement during the  
16 preceding calendar year other than the unit or units of  
17 government in relation to which the person is required to  
18 file.

19 (5) The name of any entity from which a gift or gifts,  
20 or honorarium or honoraria, valued singly or in the  
21 aggregate in excess of \$500, was received during the  
22 preceding calendar year.

23 (b) The following interests shall also be listed by persons  
24 listed in items (a) through (f), ~~and~~ item (l), and item (m) of  
25 Section 4A-101:

26 (1) The name and instrument of ownership in any entity  
27 doing business in the State of Illinois, in which an  
28 ownership interest held by the person at the date of filing  
29 is in excess of \$5,000 fair market value or from which  
30 dividends of in excess of \$1,200 were derived during the  
31 preceding calendar year. (In the case of real estate,  
32 location thereof shall be listed by street address, or if  
33 none, then by legal description). No time or demand deposit  
34 in a financial institution, nor any debt instrument need be

1 listed;

2 (2) Except for professional service entities, the name  
3 of any entity and any position held therein from which  
4 income of in excess of \$1,200 was derived during the  
5 preceding calendar year, if the entity does business in the  
6 State of Illinois. No time or demand deposit in a financial  
7 institution, nor any debt instrument need be listed.

8 (3) The identity of any compensated lobbyist with whom  
9 the person making the statement maintains a close economic  
10 association, including the name of the lobbyist and  
11 specifying the legislative matter or matters which are the  
12 object of the lobbying activity, and describing the general  
13 type of economic activity of the client or principal on  
14 whose behalf that person is lobbying.

15 (c) The following interests shall also be listed by persons  
16 listed in items (g), (h), ~~and~~ (i), and (n) of Section 4A-101:

17 (1) The name and instrument of ownership in any entity  
18 doing business with a unit of local government in relation  
19 to which the person is required to file if the ownership  
20 interest of the person filing is greater than \$5,000 fair  
21 market value as of the date of filing or if dividends in  
22 excess of \$1,200 were received from the entity during the  
23 preceding calendar year. (In the case of real estate,  
24 location thereof shall be listed by street address, or if  
25 none, then by legal description). No time or demand deposit  
26 in a financial institution, nor any debt instrument need be  
27 listed.

28 (2) Except for professional service entities, the name  
29 of any entity and any position held therein from which  
30 income in excess of \$1,200 was derived during the preceding  
31 calendar year if the entity does business with a unit of  
32 local government in relation to which the person is  
33 required to file. No time or demand deposit in a financial  
34 institution, nor any debt instrument need be listed.

1           (3) The name of any entity and the nature of the  
2 governmental action requested by any entity which has  
3 applied to a unit of local government in relation to which  
4 the person must file for any license, franchise or permit  
5 for annexation, zoning or rezoning of real estate during  
6 the preceding calendar year if the ownership interest of  
7 the person filing is in excess of \$5,000 fair market value  
8 at the time of filing or if income or dividends in excess  
9 of \$1,200 were received by the person filing from the  
10 entity during the preceding calendar year.

11 (Source: P.A. 92-101, eff. 1-1-02; 93-617, eff. 12-9-03.)

12           (5 ILCS 420/4A-106) (from Ch. 127, par. 604A-106)

13           Sec. 4A-106. The statements of economic interests required  
14 of persons listed in items (a) through (f), item (j), ~~and~~ item  
15 (l), and item (m) of Section 4A-101 shall be filed with the  
16 Secretary of State. The statements of economic interests  
17 required of persons listed in items (g), (h), (i), ~~and~~ (k), and  
18 (n) of Section 4A-101 shall be filed with the county clerk of  
19 the county in which the principal office of the unit of local  
20 government with which the person is associated is located. If  
21 it is not apparent which county the principal office of a unit  
22 of local government is located, the chief administrative  
23 officer, or his or her designee, has the authority, for  
24 purposes of this Act, to determine the county in which the  
25 principal office is located. On or before February 1 annually,  
26 (1) the chief administrative officer of any State agency in the  
27 executive, legislative, or judicial branch employing persons  
28 required to file under item (f) or item (l) of Section 4A-101  
29 and the chief administrative officer of a board described in  
30 item (m) of Section 4A-101 shall certify to the Secretary of  
31 State the names and mailing addresses of ~~those~~ persons required  
32 to file under those items, and (2) the chief administrative  
33 officer, or his or her designee, of each unit of local



1 government with persons described in items (h), (i), ~~and~~ (k),  
2 and (n) of Section 4A-101 shall certify to the appropriate  
3 county clerk a list of names and addresses of persons described  
4 in items (h), (i), ~~and~~ (k), and (n) of Section 4A-101 that are  
5 required to file. In preparing the lists, each chief  
6 administrative officer, or his or her designee, shall set out  
7 the names in alphabetical order.

8 On or before April 1 annually, the Secretary of State shall  
9 notify (1) all persons whose names have been certified to him  
10 under items (f), ~~and~~ (l), and (m) of Section 4A-101, and (2)  
11 all persons described in items (a) through (e) and item (j) of  
12 Section 4A-101, other than candidates for office who have filed  
13 their statements with their nominating petitions, of the  
14 requirements for filing statements of economic interests. A  
15 person required to file with the Secretary of State by virtue  
16 of more than one item among items (a) through (f) and items  
17 (j), ~~and~~ (l), and (m) shall be notified of and is required to  
18 file only one statement of economic interests relating to all  
19 items under which the person is required to file with the  
20 Secretary of State.

21 On or before April 1 annually, the county clerk of each  
22 county shall notify all persons whose names have been certified  
23 to him under items (g), (h), (i), ~~and~~ (k), and (n) of Section  
24 4A-101, other than candidates for office who have filed their  
25 statements with their nominating petitions, of the  
26 requirements for filing statements of economic interests. A  
27 person required to file with a county clerk by virtue of more  
28 than one item among items (g), (h), (i), ~~and~~ (k), and (n) shall  
29 be notified of and is required to file only one statement of  
30 economic interests relating to all items under which the person  
31 is required to file with that county clerk.

32 Except as provided in Section 4A-106.1, the notices  
33 provided for in this Section shall be in writing and deposited  
34 in the U.S. Mail, properly addressed, first class postage

1 prepaid, on or before the day required by this Section for the  
2 sending of the notice. A certificate executed by the Secretary  
3 of State or county clerk attesting that he has mailed the  
4 notice constitutes prima facie evidence thereof.

5 From the lists certified to him under this Section of  
6 persons described in items (g), (h), (i), ~~and (k)~~, and (n) of  
7 Section 4A-101, the clerk of each county shall compile an  
8 alphabetical listing of persons required to file statements of  
9 economic interests in his office under any of those items. As  
10 the statements are filed in his office, the county clerk shall  
11 cause the fact of that filing to be indicated on the  
12 alphabetical listing of persons who are required to file  
13 statements. Within 30 days after the due dates, the county  
14 clerk shall mail to the State Board of Elections a true copy of  
15 that listing showing those who have filed statements.

16 The county clerk of each county shall note upon the  
17 alphabetical listing the names of all persons required to file  
18 a statement of economic interests who failed to file a  
19 statement on or before May 1. It shall be the duty of the  
20 several county clerks to give notice as provided in Section  
21 4A-105 to any person who has failed to file his or her  
22 statement with the clerk on or before May 1.

23 Any person who files or has filed a statement of economic  
24 interest under this Act is entitled to receive from the  
25 Secretary of State or county clerk, as the case may be, a  
26 receipt indicating that the person has filed such a statement,  
27 the date of such filing, and the identity of the governmental  
28 unit or units in relation to which the filing is required.

29 The Secretary of State may employ such employees and  
30 consultants as he considers necessary to carry out his duties  
31 hereunder, and may prescribe their duties, fix their  
32 compensation, and provide for reimbursement of their expenses.

33 All statements of economic interests filed under this  
34 Section shall be available for examination and copying by the

1 public at all reasonable times. Not later than 12 months after  
2 the effective date of this amendatory Act of the 93rd General  
3 Assembly, beginning with statements filed in calendar year  
4 2004, the Secretary of State shall make statements of economic  
5 interests filed with the Secretary available for inspection and  
6 copying via the Secretary's website.

7 (Source: P.A. 93-617, eff. 12-9-03; 94-603, eff. 8-16-05.)

8 (5 ILCS 420/4A-107) (from Ch. 127, par. 604A-107)

9 Sec. 4A-107. Any person required to file a statement of  
10 economic interests under this Article who willfully files a  
11 false or incomplete statement shall be guilty of a Class A  
12 misdemeanor.

13 Failure to file a statement within the time prescribed  
14 shall result in ineligibility for, or forfeiture of, office or  
15 position of employment, as the case may be; provided, however,  
16 that if the notice of failure to file a statement of economic  
17 interests provided in Section 4A-105 of this Act is not given  
18 by the Secretary of State or the county clerk, as the case may  
19 be, no forfeiture shall result if a statement is filed within  
20 30 days of actual notice of the failure to file.

21 The Attorney General, with respect to offices or positions  
22 described in items (a) through (f) and items (j), ~~and~~ (l), and  
23 (m) of Section 4A-101 of this Act, or the State's Attorney of  
24 the county of the entity for which the filing of statements of  
25 economic interests is required, with respect to offices or  
26 positions described in items (g) through (i), ~~and~~ item (k), and  
27 item (n) of Section 4A-101 of this Act, shall bring an action  
28 in quo warranto against any person who has failed to file by  
29 either May 31 or June 30 of any given year.

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

31 Section 5. The State Officials and Employees Ethics Act is  
32 amended by changing Sections 1-5, 5-10, 5-15, 5-20, 5-45,

1 10-15, 20-5, 20-23, 20-40, 25-5, 25-10, and 25-23 and by adding  
2 Section 10-15.5 as follows:

3 (5 ILCS 430/1-5)

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

5 "Appointee" means a person appointed to a position in or  
6 with a State agency, regardless of whether the position is  
7 compensated.

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

19 "Candidate" means a person who has filed nominating papers  
20 or petitions for nomination or election to an elected State  
21 office, or who has been appointed to fill a vacancy in  
22 nomination, and who remains eligible for placement on the  
23 ballot at either a general primary election or general  
24 election.

25 "Collective bargaining" has the same meaning as that term  
26 is defined in Section 3 of the Illinois Public Labor Relations  
27 Act.

28 "Commission" means an ethics commission created by this  
29 Act.

30 "Compensated time" means any time worked by or credited to  
31 a State employee that counts toward any minimum work time  
32 requirement imposed as a condition of employment with a State  
33 agency, but does not include any designated State holidays or

1 any period when the employee is on a leave of absence.

2 "Compensatory time off" means authorized time off earned by  
3 or awarded to a State employee to compensate in whole or in  
4 part for time worked in excess of the minimum work time  
5 required of that employee as a condition of employment with a  
6 State agency.

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

9 "Employee" means (i) any person employed full-time,  
10 part-time, or pursuant to a contract and whose employment  
11 duties are subject to the direction and control of an employer  
12 with regard to the material details of how the work is to be  
13 performed, ~~or~~ (ii) any appointed or elected commissioner,  
14 trustee, director, or board member of a board of a State  
15 agency, or (iii) any other appointee.

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

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

26 "Governmental entity" means a unit of local government or a  
27 school district but not a State agency.

28 "Leave of absence" means any period during which a State  
29 employee does not receive (i) compensation for State  
30 employment, (ii) service credit towards State pension  
31 benefits, and (iii) health insurance benefits paid for by the  
32 State.

33 "Legislative branch constitutional officer" means a member  
34 of the General Assembly and the Auditor General.

1 "Legislative leader" means the President and Minority  
2 Leader of the Senate and the Speaker and Minority Leader of the  
3 House of Representatives.

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

5 "Officer" means an executive branch constitutional officer  
6 or a legislative branch constitutional officer.

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

16 "Political organization" means a party, committee,  
17 association, fund, or other organization (whether or not  
18 incorporated) that is required to file a statement of  
19 organization with the State Board of Elections or a county  
20 clerk under Section 9-3 of the Election Code, but only with  
21 regard to those activities that require filing with the State  
22 Board of Elections or a county clerk.

23 "Prohibited political activity" means:

24 (1) Preparing for, organizing, or participating in any  
25 political meeting, political rally, political  
26 demonstration, or other political event.

27 (2) Soliciting contributions, including but not  
28 limited to the purchase of, selling, distributing, or  
29 receiving payment for tickets for any political  
30 fundraiser, political meeting, or other political event.

31 (3) Soliciting, planning the solicitation of, or  
32 preparing any document or report regarding any thing of  
33 value intended as a campaign contribution.

34 (4) Planning, conducting, or participating in a public

1 opinion poll in connection with a campaign for elective  
2 office or on behalf of a political organization for  
3 political purposes or for or against any referendum  
4 question.

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

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

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

17 (8) Initiating for circulation, preparing,  
18 circulating, reviewing, or filing any petition on behalf of  
19 a candidate for elective office or for or against any  
20 referendum question.

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

24 (10) Preparing or reviewing responses to candidate  
25 questionnaires in connection with a campaign for elective  
26 office or on behalf of a political organization for  
27 political purposes.

28 (11) Distributing, preparing for distribution, or  
29 mailing campaign literature, campaign signs, or other  
30 campaign material on behalf of any candidate for elective  
31 office or for or against any referendum question.

32 (12) Campaigning for any elective office or for or  
33 against any referendum question.

34 (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; or

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

31 "State agency" includes all officers, boards, commissions  
32 and agencies created by the Constitution, whether in the  
33 executive or legislative branch; all officers, departments,  
34 boards, commissions, agencies, institutions, authorities,



1 public institutions of higher learning as defined in Section 2  
2 of the Higher Education Cooperation Act, and bodies politic and  
3 corporate of the State; and administrative units or corporate  
4 outgrowths of the State government which are created by or  
5 pursuant to statute, other than units of local government and  
6 their officers, school districts, and boards of election  
7 commissioners; and all administrative units and corporate  
8 outgrowths of the above and as may be created by executive  
9 order of the Governor. "State agency" includes the General  
10 Assembly, the Senate, the House of Representatives, the  
11 President and Minority Leader of the Senate, the Speaker and  
12 Minority Leader of the House of Representatives, the Senate  
13 Operations Commission, and the legislative support services  
14 agencies. "State agency" includes the Office of the Auditor  
15 General. "State agency" does not include the judicial branch.

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

17 "Ultimate jurisdictional authority" means the following:

18 (1) For members, legislative partisan staff, and  
19 legislative secretaries, the appropriate legislative  
20 leader: President of the Senate, Minority Leader of the  
21 Senate, Speaker of the House of Representatives, or  
22 Minority Leader of the House of Representatives.

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

26 (3) For State employees who are professional staff or  
27 employees of the House of Representatives and not covered  
28 under item (1), the Speaker of the House of  
29 Representatives.

30 (4) For State employees who are employees of the  
31 legislative support services agencies, the Joint Committee  
32 on Legislative Support Services.

33 (5) For State employees of the Auditor General, the  
34 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, the board of trustees of the  
4 appropriate public institution of higher learning.

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

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

12 (9) For the Legislative Inspector General, State  
13 employees of the Office of the Legislative Inspector  
14 General, commissioners of the Legislative Ethics  
15 Commission, and State employees of the Legislative Ethics  
16 Commission, the Legislative Ethics Commission.

17 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03;  
18 93-685, eff. 7-8-04.)

19 (5 ILCS 430/5-10)

20 Sec. 5-10. Ethics training. Each officer, member, and  
21 employee must complete, at least annually beginning in 2004, an  
22 ethics training program conducted by the appropriate State  
23 agency. Each ultimate jurisdictional authority must implement  
24 an ethics training program for its officers, members, and  
25 employees. ~~These ethics training programs shall be overseen by~~  
26 ~~the appropriate Ethics Commission and Inspector General~~  
27 ~~appointed pursuant to this Act in consultation with the Office~~  
28 ~~of the Attorney General.~~

29 Each Executive Inspector General and each ultimate  
30 jurisdictional authority for the legislative branch shall set  
31 standards and determine the hours and frequency of training  
32 necessary for each position or category of positions. A person  
33 who fills a vacancy in an elective or appointed position that

1 requires training and a person employed in a position that  
2 requires training must complete his or her initial ethics  
3 training within 6 months after commencement of his or her  
4 office or employment.

5 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

6 (5 ILCS 430/5-15)

7 Sec. 5-15. Prohibited political activities.

8 (a) State employees shall not intentionally perform any  
9 prohibited political activity during any compensated time  
10 (other than vacation, personal, or compensatory time off).  
11 State employees shall not intentionally misappropriate any  
12 State property or resources by engaging in any prohibited  
13 political activity for the benefit of any campaign for elective  
14 office or any political organization. The mere presence on  
15 State property or an incidental use of State property or  
16 resources does not necessarily amount to a misappropriation for  
17 purposes of this Section.

18 (b) At no time shall any executive or legislative branch  
19 constitutional officer or any official, director, supervisor,  
20 or State employee intentionally misappropriate the services of  
21 any State employee by requiring that State employee to perform  
22 any prohibited political activity (i) as part of that  
23 employee's State duties, (ii) as a condition of State  
24 employment, or (iii) during any time off that is compensated by  
25 the State (such as vacation, personal, or compensatory time  
26 off).

27 (c) A State employee shall not be required at any time to  
28 participate in any prohibited political activity in  
29 consideration for that State employee being awarded any  
30 additional compensation or employee benefit, in the form of a  
31 salary adjustment, bonus, compensatory time off, continued  
32 employment, or otherwise.

33 (d) A State employee shall not be awarded any additional

1 compensation or employee benefit, in the form of a salary  
2 adjustment, bonus, compensatory time off, continued  
3 employment, or otherwise, in consideration for the State  
4 employee's participation in any prohibited political activity.

5 (e) Nothing in this Section prohibits activities that are  
6 otherwise appropriate for a State employee to engage in as a  
7 part of his or her official State employment duties or  
8 activities that are undertaken by a State employee on a  
9 voluntary basis as permitted by law.

10 (f) No person either (i) in a position that is subject to  
11 recognized merit principles of public employment or (ii) in a  
12 position the salary for which is paid in whole or in part by  
13 federal funds and that is subject to the Federal Standards for  
14 a Merit System of Personnel Administration applicable to  
15 grant-in-aid programs, shall be denied or deprived of State  
16 employment or tenure solely because he or she is a member or an  
17 officer of a political committee, of a political party, or of a  
18 political organization or club.

19 (Source: P.A. 93-615, eff. 11-19-03.)

20 (5 ILCS 430/5-20)

21 Sec. 5-20. Public service announcements; other promotional  
22 material.

23 (a) ~~No Beginning January 1, 2004, no~~ public service  
24 announcement or advertisement that identifies any specific  
25 program administered by a State agency ~~is on behalf of any~~  
26 ~~State-administered program~~ and contains the proper name, image,  
27 or voice of any executive branch constitutional officer or  
28 member of the General Assembly shall be broadcast or aired on  
29 radio or television or printed in a commercial newspaper or a  
30 commercial magazine at any time.

31 (b) The proper name or image of any executive branch  
32 constitutional officer or member of the General Assembly may  
33 not appear on any (i) bumper stickers, (ii) commercial

1 billboards, (iii) lapel pins or buttons, (iv) magnets, (v)  
2 stickers, and (vi) other similar promotional items, that are  
3 not in furtherance of the person's official State duties or  
4 governmental and public service functions, if designed, paid  
5 for, prepared, or distributed using public dollars. This  
6 subsection does not apply to stocks of items existing on the  
7 effective date of this amendatory Act of the 93rd General  
8 Assembly.

9 (c) This Section does not apply to communications funded  
10 through expenditures required to be reported under Article 9 of  
11 the Election Code.

12 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03;  
13 93-685, eff. 7-8-04.)

14 (5 ILCS 430/5-45)

15 Sec. 5-45. Procurement; revolving door prohibition.

16 (a) No current or former officer, member, or State  
17 employee, or spouse or immediate family member living with such  
18 person, shall, during the period of State employment or within  
19 a period of one year immediately after termination of State  
20 employment, knowingly accept employment or receive  
21 compensation or fees for services from a person or entity if  
22 the officer, member, or State employee, during the immediately  
23 preceding 2 years of State employment with respect to a current  
24 officer, member, or State employee, or during the year  
25 immediately preceding termination of State employment with  
26 respect to a former officer, member, or State employee,  
27 participated personally and substantially in the decision to  
28 award State contracts with a cumulative value of over \$25,000  
29 to the person or entity, or its parent or subsidiary.

30 (b) No current or former officer of the executive branch or  
31 State employee of the executive branch with regulatory or  
32 licensing authority, or spouse or immediate family member  
33 living with such person, shall, during the period of State

1 employment or within a period of one year immediately after  
2 termination of State employment, knowingly accept employment  
3 or receive compensation of fees for services from a person or  
4 entity if the officer or State employee, during the immediately  
5 preceding 2 years of State employment with respect to a current  
6 officer, member, or State employee, or during the year  
7 immediately preceding termination of State employment with  
8 respect to a former officer, member, or State employee, made a  
9 regulatory or licensing decision that directly applied to the  
10 person or entity, or its parent or subsidiary.

11 (c) The requirements of this Section may be waived (i) for  
12 the executive branch, in writing by the Executive Ethics  
13 Commission, (ii) for the legislative branch, in writing by the  
14 Legislative Ethics Commission, and (iii) for the Auditor  
15 General, in writing by the Auditor General. During the time  
16 period from the effective date of this amendatory Act of the  
17 93rd General Assembly until the Executive Ethics Commission  
18 first meets, the requirements of this Section may be waived in  
19 writing by the appropriate ultimate jurisdictional authority.  
20 During the time period from the effective date of this  
21 amendatory Act of the 93rd General Assembly until the  
22 Legislative Ethics Commission first meets, the requirements of  
23 this Section may be waived in writing by the appropriate  
24 ultimate jurisdictional authority. The waiver shall be granted  
25 upon the person seeking the waiver proving by clear and  
26 convincing evidence ~~a showing~~ that the prospective employment  
27 or relationship did not affect the decisions referred to in  
28 sections (a) and (b).

29 (d) With respect to former officers, members, State  
30 employees, spouses, and family members, this ~~This~~ Section  
31 applies only with respect to persons who terminate an affected  
32 position on or after December 19, 2003 (the effective date of  
33 Public ~~this amendatory~~ Act 93-617 ~~of the 93rd General~~  
34 ~~Assembly~~).

1 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

2 (5 ILCS 430/10-15)

3 Sec. 10-15. Gift ban; exceptions. The restriction in  
4 Section 10-10 does not apply to the following:

5 (1) Opportunities, benefits, and services that are  
6 available on the same conditions as for the general public.

7 (2) Anything for which the officer, member, or State  
8 employee pays the market value.

9 (3) Any (i) contribution that is lawfully made under  
10 the Election Code or under this Act or (ii) activities  
11 associated with a fundraising event in support of a  
12 political organization or candidate.

13 (4) Educational materials and missions. Subject to  
14 Section 10-15.5, this ~~This~~ exception may be further defined  
15 by rules adopted by the appropriate ethics commission or by  
16 the Auditor General for the Auditor General and employees  
17 of the Office of the Auditor General.

18 (5) Travel expenses for a meeting to discuss State  
19 business. Subject to Section 10-15.5, this ~~This~~ exception  
20 may be further defined by rules adopted by the appropriate  
21 ethics commission or by the Auditor General for the Auditor  
22 General and employees of the Office of the Auditor General.

23 (6) A gift from a relative, meaning those people  
24 related to the individual as father, mother, son, daughter,  
25 brother, sister, uncle, aunt, great aunt, great uncle,  
26 first cousin, nephew, niece, husband, wife, grandfather,  
27 grandmother, grandson, granddaughter, father-in-law,  
28 mother-in-law, son-in-law, daughter-in-law,  
29 brother-in-law, sister-in-law, stepfather, stepmother,  
30 stepson, stepdaughter, stepbrother, stepsister, half  
31 brother, half sister, and including the father, mother,  
32 grandfather, or grandmother of the individual's spouse and  
33 the individual's fiance or fiancée.

1           (7) Anything provided by an individual on the basis of  
2 a personal friendship unless the member, officer, or  
3 employee has reason to believe that, under the  
4 circumstances, the gift was provided because of the  
5 official position or employment of the member, officer, or  
6 employee and not because of the personal friendship.

7           In determining whether a gift is provided on the basis  
8 of personal friendship, the member, officer, or employee  
9 shall consider the circumstances under which the gift was  
10 offered, such as:

11           (i) the history of the relationship between the  
12 individual giving the gift and the recipient of the  
13 gift, including any previous exchange of gifts between  
14 those individuals;

15           (ii) whether to the actual knowledge of the member,  
16 officer, or employee the individual who gave the gift  
17 personally paid for the gift or sought a tax deduction  
18 or business reimbursement for the gift; and

19           (iii) whether to the actual knowledge of the  
20 member, officer, or employee the individual who gave  
21 the gift also at the same time gave the same or similar  
22 gifts to other members, officers, or employees.

23           (8) Food or refreshments not exceeding \$75 per person  
24 in value on a single calendar day; provided that the food  
25 or refreshments are (i) consumed on the premises from which  
26 they were purchased or prepared or (ii) catered. For the  
27 purposes of this Section, "catered" means food or  
28 refreshments that are purchased ready to eat and delivered  
29 by any means.

30           (9) Food, refreshments, lodging, transportation, and  
31 other benefits resulting from the outside business or  
32 employment activities (or outside activities that are not  
33 connected to the duties of the officer, member, or employee  
34 as an office holder or employee) of the officer, member, or



1 employee, or the spouse of the officer, member, or  
2 employee, if the benefits have not been offered or enhanced  
3 because of the official position or employment of the  
4 officer, member, or employee, and are customarily provided  
5 to others in similar circumstances.

6 (10) Intra-governmental and inter-governmental gifts.  
7 For the purpose of this Act, "intra-governmental gift"  
8 means any gift given to a member, officer, or employee of a  
9 State agency from another member, officer, or employee of  
10 the same State agency; and "inter-governmental gift" means  
11 any gift given to a member, officer, or employee of a State  
12 agency, by a member, officer, or employee of another State  
13 agency, of a federal agency, or of any governmental entity.

14 (11) Bequests, inheritances, and other transfers at  
15 death.

16 (12) Any item or items from any one prohibited source  
17 during any calendar year having a cumulative total value of  
18 less than \$100.

19 Each of the exceptions listed in this Section is mutually  
20 exclusive and independent of one another.

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

22 (5 ILCS 430/10-15.5 new)

23 Sec. 10-15.5. Educational mission; travel expenses for a  
24 meeting to discuss State business.

25 (a) This Section further defines items (4) and (5) of  
26 Section 10-15 when a prohibited source provides educational  
27 missions or travel expenses for a meeting to discuss State  
28 business and applies to travel on and after the effective date  
29 of this amendatory Act of the 94th General Assembly.

30 (b) Travel in connection with an educational mission or for  
31 a meeting to discuss State business is subject to the following  
32 conditions:

33 (1) it must be in furtherance of the recipient

1 officer's or employee's State duties or employment;

2 (2) it must bear a significant connection to the  
3 interests of the prohibited source;

4 (3) the destination (i) must bear a close relationship  
5 to the educational purposes of the travel or to the State  
6 business to be discussed or (ii) must be reasonable under  
7 the circumstances;

8 (4) the length of time at the destination for the  
9 mission or meeting that is paid for by the prohibited  
10 source must be reasonable under the circumstances;

11 (5) the officer or employee must devote a significant  
12 amount of time while at the destination to the educational  
13 activities or State business; and

14 (6) the travel expenses must be reasonable under the  
15 circumstances; if the travel expenses do not substantially  
16 exceed the amounts that would be authorized for State  
17 reimbursement by the relevant Travel Control Board, they  
18 are deemed reasonable.

19 (c) The following categories of expenses qualify under the  
20 educational mission and State business exceptions to the Gift  
21 Ban: travel to, at, and from the destination; lodging en route  
22 to, at, and from the destination; and tours, demonstrations,  
23 presentations, and meetings. The following categories of  
24 expenses, without limitation, do not fall under the educational  
25 mission and State business exceptions to the Gift Ban, but may  
26 qualify as exceptions under other applicable provisions of  
27 Section 10-15: food; refreshments; entertainment; recreation;  
28 prizes; awards; and souvenirs.

29 (d) Qualified expenses under the educational mission and  
30 State business exceptions to the Gift Ban include those for the  
31 officer or employee. If the officer or employee is accompanied  
32 by his or her spouse or immediate family member living with the  
33 officer or employee and that spouse or family member either (i)  
34 is not a State official or employee or (ii) is a State official

1 or employee but is not traveling in that capacity, any  
2 additional expenses for the spouse or family member qualify (i)  
3 under the educational mission and State business exceptions to  
4 the Gift Ban only if, because of legitimate dependent care  
5 obligations, the officer or employee would not be able to  
6 attend unless accompanied by the spouse or family member or  
7 (ii) to the extent that other applicable exceptions under  
8 Section 10-15 apply. If the spouse or family member is a State  
9 official or employee and is traveling in that capacity, then  
10 this Section applies independently to that spouse or family  
11 member.

12 (e) More than one prohibited source may contribute to  
13 qualified expenses so long as the other requirements of this  
14 Section are met.

15 (f) The officer or employee or a non-prohibited source must  
16 pay all non-qualified expenses that do not otherwise fall under  
17 an exception to the Gift Ban.

18 (5 ILCS 430/20-5)

19 Sec. 20-5. Executive Ethics Commission.

20 (a) The Executive Ethics Commission is created.

21 (b) The Executive Ethics Commission shall consist of 9  
22 commissioners. The Governor shall appoint 5 commissioners, and  
23 the Attorney General, Secretary of State, Comptroller, and  
24 Treasurer shall each appoint one commissioner. Appointments  
25 shall be made by and with the advice and consent of the Senate  
26 by three-fifths of the elected members concurring by record  
27 vote. Any nomination not acted upon by the Senate within 60  
28 session days of the receipt thereof shall be deemed to have  
29 received the advice and consent of the Senate. If, during a  
30 recess of the Senate, there is a vacancy in an office of  
31 commissioner, the appointing authority shall make a temporary  
32 appointment until the next meeting of the Senate when the  
33 appointing authority shall make a nomination to fill that

1 office. No person rejected for an office of commissioner shall,  
2 except by the Senate's request, be nominated again for that  
3 office at the same session of the Senate or be appointed to  
4 that office during a recess of that Senate. No more than 5  
5 commissioners may be of the same political party.

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

15 After the initial terms, commissioners shall serve for  
16 4-year terms commencing on July 1 of the year of appointment  
17 and running through June 30 of the fourth following year.  
18 Commissioners may be reappointed to one or more subsequent  
19 terms.

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

23 Terms shall run regardless of whether the position is  
24 filled.

25 (c) The appointing authorities shall appoint commissioners  
26 who have experience holding governmental office or employment  
27 and shall appoint commissioners from the general public. A  
28 person is not eligible to serve as a commissioner if that  
29 person (i) has been convicted of a felony or a crime of  
30 dishonesty or moral turpitude, (ii) is, or was within the  
31 preceding 12 months, engaged in activities that require  
32 registration under the Lobbyist Registration Act, (iii) is  
33 related to the appointing authority, or (iv) is a State officer  
34 or employee.

1           (d) The Executive Ethics Commission shall have  
2 jurisdiction over all officers and employees of State agencies  
3 other than the General Assembly, the Senate, the House of  
4 Representatives, the President and Minority Leader of the  
5 Senate, the Speaker and Minority Leader of the House of  
6 Representatives, the Senate Operations Commission, the  
7 legislative support services agencies, the Legislative Ethics  
8 Commission, the Office of the Legislative Inspector General,  
9 and the Office of the Auditor General. The jurisdiction of the  
10 Commission is limited to matters arising under this Act.

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

26           (f) No commissioner or employee of the Executive Ethics  
27 Commission may during his or her term of appointment or  
28 employment:

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

30                 (2) hold any other elected or appointed public office  
31 except for appointments on governmental advisory boards or  
32 study commissions or as otherwise expressly authorized by  
33 law;

34                 (3) be actively involved in the affairs of any

1 political party or political organization; or

2 (4) actively participate in any campaign for any  
3 elective office.

4 (g) An appointing authority may remove a commissioner only  
5 for cause.

6 (h) The Executive Ethics Commission shall appoint an  
7 Executive Director. The compensation of the Executive Director  
8 shall be as determined by the Commission or by the Compensation  
9 Review Board, whichever amount is higher. The Executive  
10 Director of the Executive Ethics Commission may employ and  
11 determine the compensation of staff, as appropriations permit.  
12 (Source: P.A. 93-617, eff. 12-9-03.)

13 (5 ILCS 430/20-23)

14 Sec. 20-23. Ethics Officers. Each officer and the head of  
15 each State agency under the jurisdiction of the Executive  
16 Ethics Commission, including without limitation the Executive  
17 Ethics Commission and each Executive Inspector General, shall  
18 designate an Ethics Officer for the office or State agency.  
19 Ethics Officers shall:

20 (1) act as liaisons between the State agency and the  
21 appropriate Executive Inspector General and between the  
22 State agency and the Executive Ethics Commission;

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

27 (3) provide guidance to officers and employees in the  
28 interpretation and implementation of this Act, which the  
29 officer or employee may in good faith rely upon. Such  
30 guidance shall be based, wherever possible, upon legal  
31 precedent in court decisions, opinions of the Attorney  
32 General, and the findings and opinions of the Executive  
33 Ethics Commission.

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

2 (5 ILCS 430/20-40)

3 Sec. 20-40. Collective bargaining agreements. Any  
4 investigation or inquiry by an Executive Inspector General or  
5 any agent or representative of an Executive Inspector General  
6 must be conducted with awareness of the provisions of a  
7 collective bargaining agreement that applies to the employees  
8 of the relevant State agency and with an awareness of the  
9 rights of the employees as set forth by State and federal law  
10 and applicable judicial decisions. Any recommendation for  
11 discipline or any action taken against any State employee  
12 pursuant to this Act must comply with the provisions of the  
13 collective bargaining agreement that applies to the State  
14 employee. Each collective bargaining agreement applicable to  
15 State employees that is entered into, renewed, extended, or  
16 modified on or after the effective date of this amendatory Act  
17 of the 94th General Assembly is subject to the provisions of  
18 this Act; to the extent of any conflict between this Act and  
19 any such agreement, this Act controls.

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

21 (5 ILCS 430/25-5)

22 Sec. 25-5. Legislative Ethics Commission.

23 (a) The Legislative Ethics Commission is created.

24 (b) The Legislative Ethics Commission shall consist of 8  
25 commissioners appointed 2 each by the President and Minority  
26 Leader of the Senate and the Speaker and Minority Leader of the  
27 House of Representatives.

28 The terms of the initial commissioners shall commence upon  
29 qualification. Each appointing authority shall designate one  
30 appointee who shall serve for a 2-year term running through  
31 June 30, 2005. Each appointing authority shall designate one  
32 appointee who shall serve for a 4-year term running through

1 June 30, 2007. The initial appointments shall be made within 60  
2 days after the effective date of this Act.

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

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

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

13 (c) The appointing authorities shall appoint commissioners  
14 who have experience holding governmental office or employment  
15 and may appoint commissioners who are members of the General  
16 Assembly as well as commissioners from the general public. A  
17 commissioner who is a member of the General Assembly must  
18 recuse himself or herself from participating in any matter  
19 relating to any investigation or proceeding in which he or she  
20 is the subject. A person is not eligible to serve as a  
21 commissioner if that person (i) has been convicted of a felony  
22 or a crime of dishonesty or moral turpitude, (ii) is, or was  
23 within the preceding 12 months, engaged in activities that  
24 require registration under the Lobbyist Registration Act,  
25 (iii) is a relative of the appointing authority, or (iv) is a  
26 State officer or employee other than a member of the General  
27 Assembly.

28 (d) The Legislative Ethics Commission shall have  
29 jurisdiction over members of the General Assembly and all State  
30 employees whose ultimate jurisdictional authority is (i) a  
31 legislative leader, (ii) the Senate Operations Commission, ~~or~~  
32 (iii) the Joint Committee on Legislative Support Services, or  
33 (iv) the Legislative Ethics Commission. The jurisdiction of the  
34 Commission is limited to matters arising under this Act.



1 (e) The Legislative Ethics Commission must meet, either in  
2 person or by other technological means, monthly or as often as  
3 necessary. At the first meeting of the Legislative Ethics  
4 Commission, the commissioners shall choose from their number a  
5 chairperson and other officers that they deem appropriate. The  
6 terms of officers shall be for 2 years commencing July 1 and  
7 running through June 30 of the second following year. Meetings  
8 shall be held at the call of the chairperson or any 3  
9 commissioners. Official action by the Commission shall require  
10 the affirmative vote of 5 commissioners, and a quorum shall  
11 consist of 5 commissioners. Commissioners shall receive no  
12 compensation but may be reimbursed for their reasonable  
13 expenses actually incurred in the performance of their duties.

14 (f) No commissioner, other than a commissioner who is a  
15 member of the General Assembly, or employee of the Legislative  
16 Ethics Commission may during his or her term of appointment or  
17 employment:

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

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

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

25 (4) actively participate in any campaign for any  
26 elective office.

27 (g) An appointing authority may remove a commissioner only  
28 for cause.

29 (h) The Legislative Ethics Commission shall appoint an  
30 Executive Director subject to the approval of at least 3 of the  
31 4 legislative leaders. The compensation of the Executive  
32 Director shall be as determined by the Commission or by the  
33 Compensation Review Board, whichever amount is higher. The  
34 Executive Director of the Legislative Ethics Commission may

1 employ, subject to the approval of at least 3 of the 4  
2 legislative leaders, and determine the compensation of staff,  
3 as appropriations permit.

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

5 (5 ILCS 430/25-10)

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

7 (a) The independent Office of the Legislative Inspector  
8 General is created. The Office shall be under the direction and  
9 supervision of the Legislative Inspector General and shall be a  
10 fully independent office with its own appropriation.

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

17 The Legislative Inspector General shall be appointed by a  
18 joint resolution of the Senate and the House of  
19 Representatives, which may specify the date on which the  
20 appointment takes effect. A joint resolution, or other document  
21 as may be specified by the Joint Rules of the General Assembly,  
22 appointing the Legislative Inspector General must be certified  
23 by the Speaker of the House of Representatives and the  
24 President of the Senate as having been adopted by the  
25 affirmative vote of three-fifths of the members elected to each  
26 house, respectively, and be filed with the Secretary of State.  
27 The appointment of the Legislative Inspector General takes  
28 effect on the day the appointment is completed by the General  
29 Assembly, unless the appointment specifies a later date on  
30 which it is to become effective.

31 The Legislative Inspector General shall have the following  
32 qualifications:

33 (1) has not been convicted of any felony under the laws

1 of this State, another state, or the United States;

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

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

12 The Legislative Inspector General may not be a relative of  
13 a commissioner.

14 The term of the initial Legislative Inspector General shall  
15 commence upon qualification and shall run through June 30,  
16 2008.

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

22 A vacancy occurring other than at the end of a term shall  
23 be filled in the same manner as an appointment only for the  
24 balance of the term of the Legislative Inspector General whose  
25 office is vacant.

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

28 (c) The Legislative Inspector General shall have  
29 jurisdiction over the members of the General Assembly and all  
30 State employees whose ultimate jurisdictional authority is (i)  
31 a legislative leader, (ii) the Senate Operations Commission, ~~or~~  
32 (iii) the Joint Committee on Legislative Support Services, or  
33 (iv) the Legislative Ethics Commission.

34 The jurisdiction of each Legislative Inspector General is

1 to investigate allegations of fraud, waste, abuse,  
2 mismanagement, misconduct, nonfeasance, misfeasance,  
3 malfeasance, or violations of this Act or violations of other  
4 related laws and rules.

5 (d) The compensation of the Legislative Inspector General  
6 shall be the greater of an amount (i) determined by the  
7 Commission or (ii) by joint resolution of the General Assembly  
8 passed by a majority of members elected in each chamber.  
9 Subject to Section 25-45 of this Act, the Legislative Inspector  
10 General has full authority to organize the Office of the  
11 Legislative Inspector General, including the employment and  
12 determination of the compensation of staff, such as deputies,  
13 assistants, and other employees, as appropriations permit.  
14 Employment of staff is subject to the approval of at least 3 of  
15 the 4 legislative leaders.

16 (e) No Legislative Inspector General or employee of the  
17 Office of the Legislative Inspector General may, during his or  
18 her term of appointment or employment:

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

20 (2) hold any other elected or appointed public office  
21 except for appointments on governmental advisory boards or  
22 study commissions or as otherwise expressly authorized by  
23 law;

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

26 (4) actively participate in any campaign for any  
27 elective office.

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

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

- 1           (1) become a candidate for any elective office;
- 2           (2) hold any elected public office; or
- 3           (3) hold any appointed State, county, or local judicial
- 4 office.

5           (e-2) The requirements of item (3) of subsection (e-1) may

6 be waived by the Legislative Ethics Commission.

7           (f) The Commission may remove the Legislative Inspector

8 General only for cause. At the time of the removal, the

9 Commission must report to the General Assembly the

10 justification for the removal.

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

12           (5 ILCS 430/25-23)

13           Sec. 25-23. Ethics Officers. The President and Minority

14 Leader of the Senate and the Speaker and Minority Leader of the

15 House of Representatives shall each appoint an ethics officer

16 for the members and employees of his or her legislative caucus.

17 The commissioners of the Legislative Ethics Commission shall

18 designate an ethics officer for the Legislative Ethics

19 Commission. The Legislative Inspector General shall designate

20 an ethics officer for the Office of the Legislative Inspector

21 General. No later than January 1, 2004, the head of each other

22 State agency under the jurisdiction of the Legislative Ethics

23 Commission, other than the General Assembly, shall designate an

24 ethics officer for the State agency. Ethics Officers shall:

25           (1) act as liaisons between the State agency and the

26 Legislative Inspector General and between the State agency

27 and the Legislative Ethics Commission;

28           (2) review statements of economic interest and

29 disclosure forms of officers, senior employees, and

30 contract monitors before they are filed with the Secretary

31 of State; and

32           (3) provide guidance to officers and employees in the

33 interpretation and implementation of this Act, which the

1 officer or employee may in good faith rely upon. Such  
2 guidance shall be based, wherever possible, upon legal  
3 precedent in court decisions, opinions of the Attorney  
4 General, and the findings and opinions of the Legislative  
5 Ethics Commission.

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

7 Section 15. The Lobbyist Registration Act is amended by  
8 changing Section 2 as follows:

9 (25 ILCS 170/2) (from Ch. 63, par. 172)

10 Sec. 2. Definitions. As used in this Act, unless the  
11 context otherwise requires:

12 (a) "Person" means any individual, firm, partnership,  
13 committee, association, corporation, or any other organization  
14 or group of persons.

15 (b) "Expenditure" means a payment, distribution, loan,  
16 advance, deposit, or gift of money or anything of value, and  
17 includes a contract, promise, or agreement, whether or not  
18 legally enforceable, to make an expenditure, for the ultimate  
19 purpose of influencing executive, legislative, or  
20 administrative action, other than compensation as defined in  
21 subsection (d).

22 (c) "Official" means:

23 (1) the Governor, Lieutenant Governor, Secretary of  
24 State, Attorney General, State Treasurer, and State  
25 Comptroller;

26 (2) Chiefs of Staff for officials described in item  
27 (1);

28 (3) Cabinet members of any elected constitutional  
29 officer, including Directors, Assistant Directors and  
30 Chief Legal Counsel or General Counsel;

31 (4) Members of the General Assembly.

32 (d) "Compensation" means any money, thing of value or

1 financial benefits received or to be received in return for  
2 services rendered or to be rendered, for lobbying as defined in  
3 subsection (e).

4 Monies paid to members of the General Assembly by the State  
5 as remuneration for performance of their Constitutional and  
6 statutory duties as members of the General Assembly shall not  
7 constitute compensation as defined by this Act.

8 (e) "Lobbying" means any communication with (i) an official  
9 of the executive or legislative branch of State government as  
10 defined in subsection (c) or (ii) a State employee as defined  
11 in this Section, for the ultimate purpose of influencing  
12 executive, legislative, or administrative action.

13 (f) "Influencing" means any communication, action,  
14 reportable expenditure as prescribed in Section 6 or other  
15 means used to promote, support, affect, modify, oppose or delay  
16 any executive, legislative or administrative action or to  
17 promote goodwill with officials as defined in subsection (c).

18 (g) "Executive action" means the proposal, drafting,  
19 development, consideration, amendment, adoption, approval,  
20 promulgation, issuance, modification, rejection or  
21 postponement by a State entity of a rule, regulation, order,  
22 decision, determination, contractual arrangement, purchasing  
23 agreement or other quasi-legislative or quasi-judicial action  
24 or proceeding.

25 (h) "Legislative action" means the development, drafting,  
26 introduction, consideration, modification, adoption,  
27 rejection, review, enactment, or passage or defeat of any bill,  
28 amendment, resolution, report, nomination, administrative rule  
29 or other matter by either house of the General Assembly or a  
30 committee thereof, or by a legislator. Legislative action also  
31 means the action of the Governor in approving or vetoing any  
32 bill or portion thereof, and the action of the Governor or any  
33 agency in the development of a proposal for introduction in the  
34 legislature.

1 (i) "Administrative action" means the execution or  
2 rejection of any rule, regulation, legislative rule, standard,  
3 fee, rate, contractual arrangement, purchasing agreement or  
4 other delegated legislative or quasi-legislative action to be  
5 taken or withheld by any executive agency, department, board or  
6 commission of the State.

7 (j) "Lobbyist" means any person who undertakes to lobby  
8 State government as provided in subsection (e).

9 (k) "State employee" is defined as that term is defined in  
10 Section 1-5 of the State Officials and Employees Ethics Act.

11 (l) "Employee", with respect to a State employee, is  
12 defined as that term is defined in Section 1-5 of the State  
13 Officials and Employees Ethics Act.

14 (m) "State agency" is defined as that term is defined in  
15 Section 1-5 of the State Officials and Employees Ethics Act.

16 (Source: P.A. 88-187.)

17 Section 25. The Illinois Procurement Code is amended by  
18 changing Sections 1-15.15, 1-15.100, 15-25, 20-10, 20-30,  
19 35-15, 35-20, 35-25, 35-30, 35-35, 35-40, 40-15, 50-20, 50-30,  
20 and 53-10 and by adding Sections 20-43 and 50-37 as follows:

21 (30 ILCS 500/1-15.15)

22 Sec. 1-15.15. Chief Procurement Officer. "Chief  
23 Procurement Officer" means:

24 (1) for procurements for construction and  
25 construction-related services committed by law to the  
26 jurisdiction or responsibility of the Capital Development  
27 Board, the executive director of the Capital Development Board.

28 (2) for procurements for all construction,  
29 construction-related services, operation of any facility, and  
30 the provision of any service or activity committed by law to  
31 the jurisdiction or responsibility of the Illinois Department  
32 of Transportation, including the direct or reimbursable



1 expenditure of all federal funds for which the Department of  
2 Transportation is responsible or accountable for the use  
3 thereof in accordance with federal law, regulation, or  
4 procedure, the Secretary of Transportation.

5 (3) for all procurements made by a public institution of  
6 higher education, a representative designated by the Governor.

7 (4) for all applicable procurements made by a pension fund  
8 or retirements system created under Article 2, 14, 15, 16, or  
9 18 of the Illinois Pension Code or an investment board created  
10 under Article 22A of the Illinois Pension Code, a  
11 representative designated by the Governor.

12 (5) ~~(4)~~ for all other procurements, the Director of the  
13 Department of Central Management Services.

14 (Source: P.A. 90-572, eff. 2-6-98.)

15 (30 ILCS 500/1-15.100)

16 Sec. 1-15.100. State agency. "State agency" means and  
17 includes all boards, commissions, agencies, institutions,  
18 authorities, and bodies politic and corporate of the State,  
19 created by or in accordance with the constitution or statute,  
20 of the executive branch of State government and does include  
21 colleges, universities, and institutions under the  
22 jurisdiction of the governing boards of the University of  
23 Illinois, Southern Illinois University, Illinois State  
24 University, Eastern Illinois University, Northern Illinois  
25 University, Western Illinois University, Chicago State  
26 University, Governor State University, Northeastern Illinois  
27 University, and the Board of Higher Education. However, this  
28 term applies ~~does not apply~~ to public employee pension funds,  
29 retirement systems, or investment boards that are subject to  
30 fiduciary duties imposed by the Illinois Pension Code only to  
31 the extent and for the purpose of procurements required under  
32 Sections 1-113.5 and 22A-111 of the Illinois Pension Code to be  
33 made in accordance with Article 35 of this Code. The term

1 "State agency" does not apply ~~or~~ to the University of Illinois  
2 Foundation. "State agency" does not include units of local  
3 government, school districts, community colleges under the  
4 Public Community College Act, and the Illinois Comprehensive  
5 Health Insurance Board.

6 (Source: P.A. 90-572, eff. 2-6-98.)

7 (30 ILCS 500/15-25)

8 Sec. 15-25. Bulletin content.

9 (a) Invitations for bids. Notice of each and every contract  
10 that is offered, including renegotiated contracts and change  
11 orders, shall be published in the Bulletin. The applicable  
12 chief procurement officer may provide by rule an organized  
13 format for the publication of this information, but in any case  
14 it must include at least the date first offered, the date  
15 submission of offers is due, the location that offers are to be  
16 submitted to, the purchasing State agency, the responsible  
17 State purchasing officer, a brief purchase description, the  
18 method of source selection, and information of how to obtain a  
19 comprehensive purchase description and any disclosure and  
20 contract forms.

21 (b) Contracts let or awarded. Notice of each and every  
22 contract that is let or awarded, including renegotiated  
23 contracts and change orders, shall be published in the next  
24 available subsequent Bulletin, and the applicable chief  
25 procurement officer may provide by rule an organized format for  
26 the publication of this information, but in any case it must  
27 include at least all of the information specified in subsection  
28 (a) as well as the name of the successful responsible bidder or  
29 offeror, the contract price, the number of unsuccessful  
30 responsive bidders, and any other disclosure specified in any  
31 Section of this Code. This notice shall include the disclosures  
32 under Section 50-37, if those disclosures are required. In  
33 addition, the notice shall summarize the outreach efforts

1 undertaken by the agency to make potential bidders or offerors  
2 aware of any contract offer other than publication in the  
3 Bulletin.

4 (c) Emergency purchase disclosure. Any chief procurement  
5 officer, State purchasing officer, or designee exercising  
6 emergency purchase authority under this Code shall publish a  
7 written description and reasons and the total cost, if known,  
8 or an estimate if unknown and the name of the responsible chief  
9 procurement officer and State purchasing officer, and the  
10 business or person contracted with for all emergency purchases  
11 in the next timely, practicable Bulletin. This notice must be  
12 posted in the online electronic Bulletin within 10 business  
13 days after the earlier of (i) execution of the contract or (ii)  
14 whenever services or goods begin to be provided under the  
15 contract and, in any event, prior to any payment by the State  
16 under the contract.

17 (c-5) Each State agency shall post in the online electronic  
18 Bulletin a copy of its annual report of utilization of  
19 businesses owned by minorities, females, and persons with  
20 disabilities as submitted to the Business Enterprises Council  
21 for Minorities, Females, and Persons with Disabilities  
22 pursuant to Section 6(c) of the Business Enterprise for  
23 Minorities, Females, and Persons with Disabilities Act within  
24 10 business days of its submission of its report to the  
25 Council.

26 (c-10) Renewals. Notice of each contract renewal shall be  
27 posted online on the Procurement Bulletin. The Procurement  
28 Policy Board by rule shall specify the information to be  
29 included in the notice, and the applicable chief procurement  
30 officer by rule may provide a format for the information.

31 (d) Other required disclosure. The applicable chief  
32 procurement officer shall provide by rule for the organized  
33 publication of all other disclosure required in other Sections  
34 of this Code in a timely manner.

1       (e) The changes to subsections (b), (c), and (c-5) of this  
2 Section made by this amendatory Act of the 94th General  
3 Assembly apply to reports submitted, offers made, and notices  
4 on contracts executed on or after its effective date.

5 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

6 (30 ILCS 500/20-10)

7 Sec. 20-10. Competitive sealed bidding.

8 (a) Conditions for use. All contracts shall be awarded by  
9 competitive sealed bidding except as otherwise provided in  
10 Section 20-5.

11 (b) Invitation for bids. An invitation for bids shall be  
12 issued and shall include a purchase description and the  
13 material contractual terms and conditions applicable to the  
14 procurement.

15 (c) Public notice. Public notice of the invitation for bids  
16 shall be published in the Illinois Procurement Bulletin at  
17 least 14 days before the date set in the invitation for the  
18 opening of bids.

19 (d) Bid opening. Bids shall be opened publicly in the  
20 presence of one or more witnesses at the time and place  
21 designated in the invitation for bids. The name of each bidder,  
22 the amount of each bid, and other relevant information as may  
23 be specified by rule shall be recorded. After the award of the  
24 contract, the winning bid and the record of each unsuccessful  
25 bid shall be open to public inspection.

26 (e) Bid acceptance and bid evaluation. Bids shall be  
27 unconditionally accepted without alteration or correction,  
28 except as authorized in this Code. Bids shall be evaluated  
29 based on the requirements set forth in the invitation for bids,  
30 which may include criteria to determine acceptability such as  
31 inspection, testing, quality, workmanship, delivery, and  
32 suitability for a particular purpose. Those criteria that will  
33 affect the bid price and be considered in evaluation for award,

1 such as discounts, transportation costs, and total or life  
2 cycle costs, shall be objectively measurable. The invitation  
3 for bids shall set forth the evaluation criteria to be used.

4 (f) Correction or withdrawal of bids. Correction or  
5 withdrawal of inadvertently erroneous bids before or after  
6 award, or cancellation of awards of contracts based on bid  
7 mistakes, shall be permitted in accordance with rules. After  
8 bid opening, no changes in bid prices or other provisions of  
9 bids prejudicial to the interest of the State or fair  
10 competition shall be permitted. All decisions to permit the  
11 correction or withdrawal of bids based on bid mistakes shall be  
12 supported by written determination made by a State purchasing  
13 officer.

14 (g) Award. The contract shall be awarded with reasonable  
15 promptness by written notice to the lowest responsible and  
16 responsive bidder whose bid meets the requirements and criteria  
17 set forth in the invitation for bids, except when a State  
18 purchasing officer determines it is not in the best interest of  
19 the State and by written explanation determines another bidder  
20 shall receive the award. The explanation shall appear in the  
21 appropriate volume of the Illinois Procurement Bulletin. The  
22 written explanation must include:

23 (1) a description of the agency's needs;

24 (2) a determination that the anticipated cost will be  
25 fair and reasonable;

26 (3) a listing of all responsible and responsive  
27 bidders; and

28 (4) the name of the bidder selected, pricing, and the  
29 reasons for selecting that bidder instead of the lowest  
30 responsible and responsive bidder.

31 Each agency may adopt rules to implement the requirements  
32 of this subsection (g).

33 The written explanation shall be filed with the Legislative  
34 Audit Commission and the Procurement Policy Board and be made

1 available for inspection by the public within 30 days after the  
2 agency's decision to award the contract.

3 (h) Multi-step sealed bidding. When it is considered  
4 impracticable to initially prepare a purchase description to  
5 support an award based on price, an invitation for bids may be  
6 issued requesting the submission of unpriced offers to be  
7 followed by an invitation for bids limited to those bidders  
8 whose offers have been qualified under the criteria set forth  
9 in the first solicitation.

10 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

11 (30 ILCS 500/20-30)

12 Sec. 20-30. Emergency purchases.

13 (a) Conditions for use. In accordance with standards set by  
14 rule, a purchasing agency may make emergency procurements  
15 without competitive sealed bidding or prior notice when there  
16 exists a threat to public health or public safety, or when  
17 immediate expenditure is necessary for repairs to State  
18 property in order to protect against further loss of or damage  
19 to State property, to prevent or minimize serious disruption in  
20 critical State services that affect health, safety, or  
21 collections of substantial State revenue, or to ensure the  
22 integrity of State records; provided, however, that the term of  
23 the emergency purchase shall be limited to the time reasonably  
24 needed for a competitive procurement, not to exceed 3 months.

25 Emergency procurements shall be made with as much competition  
26 as is practicable under the circumstances. A written  
27 description of the basis for the emergency and reasons for the  
28 selection of the particular contractor shall be included in the  
29 contract file.

30 (b) Notice. Before the next appropriate volume of the  
31 Illinois Procurement Bulletin, the purchasing agency shall  
32 publish in the Illinois Procurement Bulletin a copy of each  
33 written description and reasons and the total cost of each

1 emergency procurement made during the previous month. When only  
2 an estimate of the total cost is known at the time of  
3 publication, the estimate shall be identified as an estimate  
4 and published. When the actual total cost is determined, it  
5 shall also be published in like manner before the 10th day of  
6 the next succeeding month.

7 (c) Affidavits. A purchasing agency making a procurement  
8 under this Section shall file affidavits with the chief  
9 procurement officer and the Auditor General within 10 days  
10 after the procurement setting forth the amount expended, the  
11 name of the contractor involved, and the conditions and  
12 circumstances requiring the emergency procurement. When only  
13 an estimate of the cost is available within 10 days after the  
14 procurement, the actual cost shall be reported immediately  
15 after it is determined. At the end of each fiscal quarter, the  
16 Auditor General shall file with the Legislative Audit  
17 Commission and the Governor a complete listing of all emergency  
18 procurements reported during that fiscal quarter. The  
19 Legislative Audit Commission shall review the emergency  
20 procurements so reported and, in its annual reports, advise the  
21 General Assembly of procurements that appear to constitute an  
22 abuse of this Section.

23 (d) Quick purchases. The chief procurement officer may  
24 promulgate rules extending the circumstances by which a  
25 purchasing agency may make purchases under this Section,  
26 including but not limited to the procurement of items available  
27 at a discount for a limited period of time.

28 (e) The changes to this Section made by this amendatory Act  
29 of the 94th General Assembly apply to procurements executed on  
30 or after its effective date.

31 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

32 (30 ILCS 500/20-43 new)

33 Sec. 20-43. Bidder or offeror authorized to do business in

1 Illinois. In addition to meeting any other requirement of law  
2 or rule, a person (other than an individual acting as a sole  
3 proprietor) may qualify as a bidder or offeror under this Code  
4 only if the person is a legal entity authorized to do business  
5 in Illinois prior to submitting the bid, offer, or proposal.

6 (30 ILCS 500/35-15)

7 Sec. 35-15. Prequalification.

8 (a) The Director of Central Management Services, the  
9 pension chief procurement officer, and the higher education  
10 chief procurement officer shall each develop appropriate and  
11 reasonable prequalification standards and categories of  
12 professional and artistic services.

13 (b) The prequalifications and categorizations shall be  
14 submitted to the Procurement Policy Board and published for  
15 public comment prior to their submission to the Joint Committee  
16 on Administrative Rules for approval.

17 (c) The Director of Central Management Services, the  
18 pension chief procurement officer, and the higher education  
19 chief procurement officer shall each also assemble and maintain  
20 a comprehensive list of prequalified and categorized  
21 businesses and persons.

22 (d) Prequalification shall not be used to bar or prevent  
23 any qualified business or person for bidding or responding to  
24 invitations for bid or proposal.

25 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

26 (30 ILCS 500/35-20)

27 Sec. 35-20. Uniformity in procurement.

28 (a) The Director of Central Management Services, the  
29 pension chief procurement officer, and the higher education  
30 chief procurement officer shall each develop, cause to be  
31 printed, and distribute uniform documents for the  
32 solicitation, review, and acceptance of all professional and



1 artistic services.

2 (b) All chief procurement officers, State purchasing  
3 officers, and their designees shall use the appropriate uniform  
4 procedures and forms specified in this Code for all  
5 professional and artistic services.

6 (c) These forms shall include in detail, in writing, at  
7 least:

8 (1) a description of the goal to be achieved;

9 (2) the services to be performed;

10 (3) the need for the service;

11 (4) the qualifications that are necessary; and

12 (5) a plan for post-performance review.

13 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

14 (30 ILCS 500/35-25)

15 Sec. 35-25. Uniformity in contract.

16 (a) The Director of Central Management Services, the  
17 pension chief procurement officer, and the higher education  
18 chief procurement officer shall each develop, cause to be  
19 printed, and distribute uniform documents for the contracting  
20 of professional and artistic services.

21 (b) All chief procurement officers, State purchasing  
22 officers, and their designees shall use the appropriate uniform  
23 contracts and forms in contracting for all professional and  
24 artistic services.

25 (c) These contracts and forms shall include in detail, in  
26 writing, at least:

27 (1) the detail listed in subsection (c) of Section  
28 35-20;

29 (2) the duration of the contract, with a schedule of  
30 delivery, when applicable;

31 (3) the method for charging and measuring cost (hourly,  
32 per day, etc.);

33 (4) the rate of remuneration; and

1 (5) the maximum price.

2 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

3 (30 ILCS 500/35-30)

4 Sec. 35-30. Awards.

5 (a) All State contracts for professional and artistic  
6 services, except as provided in this Section, shall be awarded  
7 using the competitive request for proposal process outlined in  
8 this Section.

9 (b) For each contract offered, the chief procurement  
10 officer, State purchasing officer, or his or her designee shall  
11 use the appropriate standard solicitation forms available from  
12 the Department of Central Management Services, the pension  
13 chief procurement officer, or the higher education chief  
14 procurement officer.

15 (c) Prepared forms shall be submitted to the Department of  
16 Central Management Services, the pension chief procurement  
17 officer, or the higher education chief procurement officer,  
18 whichever is appropriate, for publication in its Illinois  
19 Procurement Bulletin and circulation to the Department of  
20 Central Management Services', the pension chief procurement  
21 officer's, or the higher education chief procurement officer's  
22 list of prequalified vendors. Notice of the offer or request  
23 for proposal shall appear at least 14 days before the response  
24 to the offer is due.

25 (d) All interested respondents shall return their  
26 responses to the Department of Central Management Services, the  
27 pension chief procurement officer, or the higher education  
28 chief procurement officer, whichever is appropriate, which  
29 shall open and record them. The Department, the pension chief  
30 procurement officer, or higher education chief procurement  
31 officer then shall forward the responses, together with any  
32 information it has available about the qualifications and other  
33 State work of the respondents.

1 (e) After evaluation, ranking, and selection, the  
2 responsible chief procurement officer, State purchasing  
3 officer, or his or her designee shall notify the Department of  
4 Central Management Services, the pension chief procurement  
5 officer, or the higher education chief procurement officer,  
6 whichever is appropriate, of the successful respondent and  
7 shall forward a copy of the signed contract for the  
8 Department's, pension chief procurement officer's, or higher  
9 education chief procurement officer's file. The Department,   
10 the pension chief procurement officer, or higher education  
11 chief procurement officer shall publish the names of the  
12 responsible procurement decision-maker, the agency letting the  
13 contract, the successful respondent, a contract reference, and  
14 value of the let contract in the next appropriate volume of the  
15 Illinois Procurement Bulletin.

16 (f) For all professional and artistic contracts with  
17 annualized value that exceeds \$25,000, evaluation and ranking  
18 by price are required. Any chief procurement officer or State  
19 purchasing officer, but not their designees, may select an  
20 offeror other than the lowest bidder by price. In any case,  
21 when the contract exceeds the \$25,000 threshold ~~threshold~~ and  
22 the lowest bidder is not selected, the chief procurement  
23 officer or the State purchasing officer shall forward together  
24 with the contract notice of who the low bidder was and a  
25 written decision as to why another was selected to the  
26 Department of Central Management Services, the pension chief  
27 procurement officer, or the higher education chief procurement  
28 officer, whichever is appropriate. The Department, the pension  
29 chief procurement officer, or higher education chief  
30 procurement officer shall publish as provided in subsection (e)  
31 of Section 35-30, but shall include notice of the chief  
32 procurement officer's or State purchasing officer's written  
33 decision.

34 (g) The Department of Central Management Services, the

1 pension chief procurement officer, and higher education chief  
2 procurement officer may each refine, but not contradict, this  
3 Section by promulgating rules for submission to the Procurement  
4 Policy Board and then to the Joint Committee on Administrative  
5 Rules. Any refinement shall be based on the principles and  
6 procedures of the federal Architect-Engineer Selection Law,  
7 Public Law 92-582 Brooks Act, and the Architectural,  
8 Engineering, and Land Surveying Qualifications Based Selection  
9 Act; except that pricing shall be an integral part of the  
10 selection process.

11 (Source: P.A. 90-572, eff. date - See Sec. 99-5; revised  
12 10-19-05.)

13 (30 ILCS 500/35-35)

14 Sec. 35-35. Exceptions.

15 (a) Exceptions to Section 35-30 are allowed for sole source  
16 procurements, emergency procurements, and at the discretion of  
17 the chief procurement officer or the State purchasing officer,  
18 but not their designees, for professional and artistic  
19 contracts that are nonrenewable, one year or less in duration,  
20 and have a value of less than \$20,000.

21 (b) All exceptions granted under this Article must still be  
22 submitted to the Department of Central Management Services, the  
23 pension chief procurement officer, or the higher education  
24 chief procurement officer, whichever is appropriate, and  
25 published as provided for in subsection (f) of Section 35-30,  
26 shall name the authorizing chief procurement officer or State  
27 purchasing officer, and shall include a brief explanation of  
28 the reason for the exception.

29 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

30 (30 ILCS 500/35-40)

31 Sec. 35-40. Subcontractors.

32 (a) Any contract granted under this Article shall state

1 whether the services of a subcontractor will be used. The  
2 contract shall include the names and addresses of all  
3 subcontractors and the expected amount of money each will  
4 receive under the contract.

5 (b) If at any time during the term of a contract, a  
6 contractor adds or changes any subcontractors, he or she shall  
7 promptly notify, in writing, the Department of Central  
8 Management Services, the pension chief procurement officer, or  
9 the higher education chief procurement officer, whichever is  
10 appropriate, and the responsible chief procurement officer,  
11 State purchasing officer, or their designee of the names and  
12 addresses and the expected amount of money each new or replaced  
13 subcontractor will receive.

14 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

15 (30 ILCS 500/40-15)

16 Sec. 40-15. Method of source selection.

17 (a) Request for information. Except as provided in  
18 subsections (b) and (c), all State contracts for leases of real  
19 property or capital improvements shall be awarded by a request  
20 for information process in accordance with Section 40-20.

21 (b) Other methods. A request for information process need  
22 not be used in procuring any of the following leases:

23 (1) Property of less than 10,000 square feet.

24 (2) Rent of less than \$100,000 per year.

25 (3) Duration of less than one year that cannot be  
26 renewed.

27 (4) Specialized space available at only one location.

28 (5) Renewal or extension of a lease ~~in effect before~~  
29 ~~July 1, 2002~~; provided that: (i) the chief procurement  
30 officer determines in writing that the renewal or extension  
31 is in the best interest of the State; (ii) the chief  
32 procurement officer submits his or her written  
33 determination and the renewal or extension to the Board;

1 (iii) the Board does not object in writing to the renewal  
2 or extension within 30 days after its submission; and (iv)  
3 the chief procurement officer publishes the renewal or  
4 extension in the appropriate volume of the Procurement  
5 Bulletin.

6 (c) Leases with governmental units. Leases with other  
7 governmental units may be negotiated without using the request  
8 for information process when deemed by the chief procurement  
9 officer to be in the best interest of the State.

10 (Source: P.A. 93-133, eff. 1-1-04; 93-839, eff. 7-30-04.)

11 (30 ILCS 500/50-20)

12 Sec. 50-20. Exemptions. With the approval of the  
13 appropriate chief procurement officer involved, the Governor,  
14 or an executive ethics board or commission he or she  
15 designates, may exempt named individuals from the prohibitions  
16 of Section 50-13 when, in his, her, or its judgment, the public  
17 interest in having the individual in the service of the State  
18 outweighs the public policy evidenced in that Section. An  
19 exemption is effective only when it is filed with the Secretary  
20 of State and the Comptroller and includes a statement setting  
21 forth the name of the individual and all the pertinent facts  
22 that would make that Section applicable, setting forth the  
23 reason for the exemption, and declaring the individual exempted  
24 from that Section. Exemptions must be filed with the Secretary  
25 of State and Comptroller prior to execution of any contracts. A  
26 copy of ~~Notice of~~ each exemption shall be published in the  
27 Illinois Procurement Bulletin in its electronic form prior to  
28 execution of the contract. The changes to this Section made by  
29 this amendatory Act of the 94th General Assembly apply to  
30 exemptions granted on or after its effective date.

31 (Source: P.A. 90-572, eff. 2-6-98.)

32 (30 ILCS 500/50-37 new)

1       Sec. 50-37. Contract award disclosure.

2       (a) For the purposes of this Section:

3       "Contracting entity" means an entity that would execute any  
4 contract with a State agency.

5       "Key persons" means any persons who (i) have an ownership  
6 or distributive income share in the contracting entity that is  
7 in excess of 5%, or an amount greater than 60% of the annual  
8 salary of the Governor, or (ii) serve as executive officers of  
9 the contracting entity.

10       (b) For contracts with an annual value of \$50,000 or more  
11 all offers from responsive bidders or offerors shall be  
12 accompanied by disclosure of the names and addresses of the  
13 following:

14           (1) The contracting entity.

15           (2) Any entity that is a parent of, or owns a  
16 controlling interest in, the contracting entity.

17           (3) Any entity that is a subsidiary of, or in which a  
18 controlling interest is owned by the contracting entity.

19           (4) The contracting entity's key persons.

20       (c) Notices of contracts let or awarded published in the  
21 Procurement Bulletin pursuant to Section 15-25 shall include as  
22 part of the notice posted online the names disclosed by the  
23 winning bidder or offeror pursuant to subsection (b).

24       (d) The changes made to this Section made by this  
25 amendatory Act of the 94th General Assembly apply to contracts  
26 first offered on or after its effective date.

27       (30 ILCS 500/53-10)

28       Sec. 53-10. Concessions and leases of State property.

29       (a) Except for property under the jurisdiction of a public  
30 institution of higher education, concessions, including the  
31 assignment, license, sale, or transfer of interests in or  
32 rights to discoveries, inventions, patents, or copyrightable  
33 works, may be entered into by the State agency with

1 jurisdiction over the property, whether tangible or  
2 intangible. Licenses of naming rights and sponsorship rights,  
3 as those terms are defined and used in Section 7.6 of the State  
4 Property Control Act, are not concessions and are subject to  
5 that Section 7.6.

6 (b) Except for property under the jurisdiction of a public  
7 institution of higher education, all concessions shall be  
8 reduced to writing and shall be awarded under the provisions of  
9 Article 20, except that the contract shall be awarded to the  
10 highest and best bidder or offeror.

11 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

12 Section 30. The State Property Control Act is amended by  
13 adding Section 7.6 as follows:

14 (30 ILCS 605/7.6 new)

15 Sec. 7.6. Naming and sponsorship rights; licenses.

16 (a) Administrator's authority. The administrator, as  
17 defined in this Section, is authorized to license naming rights  
18 and sponsorship rights only as provided in this Section. Naming  
19 rights and sponsorship rights regarding any property or other  
20 asset of the State to which this Section applies, whether real,  
21 personal, tangible, or intangible, may not be sold, conveyed,  
22 leased, licensed, or otherwise granted by the administrator or  
23 by any other officer, employee, or agent of the State except as  
24 provided in this Section. Naming and sponsorship rights are  
25 subject to all other applicable statutes that are not  
26 inconsistent with the provisions of this Section; to the extent  
27 of any conflict, however, this Section controls.

28 (b) Certain properties and other assets; no license. Naming  
29 rights and sponsorship rights may not be licensed with respect  
30 to (i) any of the following or (ii) any property or other asset  
31 associated with any of the following:

32 (1) the State Capitol Building in Springfield,



1 Illinois;

2 (2) the Old State Capitol Building in Springfield,  
3 Illinois;

4 (3) the Vandalia State House in Vandalia, Illinois;

5 (4) the Executive Mansion in Springfield, Illinois;

6 (5) the Executive Mansion, also known as the Hayes  
7 House, in Du Quoin, Illinois;

8 (6) the Abraham Lincoln Home in Springfield, Illinois,  
9 if it becomes State real property not under the  
10 jurisdiction of the federal government;

11 (7) the Lincoln Tomb in Springfield, Illinois;

12 (8) the Abraham Lincoln Presidential Library and  
13 Museum in Springfield, Illinois;

14 (9) all present and future Abraham Lincoln sites not  
15 otherwise listed;

16 (10) all Illinois homes of all past, present, or future  
17 United States Presidents who have resided, currently  
18 reside, or in the future will reside in the State of  
19 Illinois;

20 (11) the burial sites of all past, present, or future  
21 United States Presidents;

22 (12) the Illinois State Museum in Springfield,  
23 Illinois;

24 (13) any State property or other asset identified or  
25 named for a specific individual by Joint Resolution of the  
26 General Assembly or by statute as of the effective date of  
27 this Section or later; and

28 (14) any other State property or asset that on the  
29 effective date of this Section or later is designated a  
30 National Historic Landmark, listed as a State Historic Site  
31 under Section 6 of the Historic Preservation Agency Act, or  
32 listed on either the Illinois Register of Historic Places  
33 or the National Register of Historic Places, unless the  
34 State property is a university sports stadium and the

1 federal or State agency that made the designation has the  
2 authority to consent and does consent in writing.

3 (c) Terms and conditions of licenses. A license of naming  
4 rights or sponsorship rights (i) may have a term of no more  
5 than 10 years and shall include a termination option in favor  
6 of the State after 5 years, (ii) is non-transferable, and (iii)  
7 is non-renewable (at the end of a term of a license, however,  
8 the licensee is eligible to compete for a new license as  
9 provided in subsection (d)). The licensee shall have the  
10 authority to place signs, placards, imprints, or other  
11 identifying information only on the properties or other assets  
12 specified in the license and only during the term of the  
13 license. The signs, placards, imprints, or other identifying  
14 information may contain nothing other than the name of the  
15 licensee, the licensee's logo, or both, except that with the  
16 written approval of the administrator they may contain other  
17 authorized material. The license may, but need not, require the  
18 State to refer to a property or other asset by the name of the  
19 licensee during the term of the license, all within reasonable  
20 limitations and other than in statutes, rules, and existing  
21 supplies of forms and other documents. Except with respect to  
22 property or other assets of a public institution of higher  
23 education, no naming or sponsorship right, however, may be  
24 characterized or treated as "official" or in a similar fashion.  
25 If a licensee materially breaches any term of a license and the  
26 Executive Ethics Commission recommends that the license be  
27 revoked, then the administrator may declare the license  
28 revoked. At least 25% of the total amount of license fees must  
29 be paid prior to the commencement of the term of the license.  
30 Any balance shall be paid on a periodic schedule agreed to by  
31 the administrator. All fees are non-refundable. Fees shall be  
32 deposited into the General Revenue Fund, except that, if a fund  
33 or account has been designated in a license granted by an  
34 administrator designated by the Attorney General, the

1 Secretary of State, the Comptroller, the Treasurer, or a public  
2 institution of higher education, then fees under the applicable  
3 license shall be deposited into the designated fund or account.

4 (d) Competitive negotiation. A license of naming rights or  
5 sponsorship rights may be granted only on the basis of the  
6 highest and best competitively negotiated proposal that yields  
7 the most advantageous benefits and considerations to the State.  
8 The administrator shall give notice that the administrator will  
9 accept proposals for the licensing of naming rights or  
10 sponsorship rights with respect to any one or more specified  
11 properties or other assets by publication in the Illinois  
12 Procurement Bulletin not less than 7 business days before the  
13 day upon which proposals will be accepted. The administrator  
14 shall give such other notice as the administrator deems  
15 appropriate. Proposals shall not be sealed and shall be part of  
16 the public record. The administrator shall conduct open,  
17 competitive negotiations with those who have submitted  
18 proposals in order to obtain the highest and best competitively  
19 negotiated proposal that yields the most advantageous benefits  
20 and considerations to the State. The administrator may give  
21 notice of and negotiate multiple licenses for identical naming  
22 or sponsorship rights as part of a single notice, negotiation,  
23 and licensing process. In the case of naming or sponsorship  
24 rights for a single event or a continuous series of related  
25 events, the administrator may grant multiple licenses not based  
26 on the standard of "highest and best" proposals if the end  
27 result is the most beneficial to the State. If a proposal  
28 satisfactory to the administrator is not negotiated, the  
29 administrator may give notice as provided in this subsection  
30 and accept additional proposals.

31 Subject to the provisions of this Section, the  
32 administrator shall have all power necessary to grant the  
33 license and enter into any agreements and execute any documents  
34 necessary to exercise the authority granted by this Section.

1 The administrator shall have authority to order such surveys,  
2 abstracts of title, or commitments for title insurance as may,  
3 in the administrator's reasonable discretion, be deemed  
4 necessary to demonstrate good and marketable title to the  
5 naming rights or sponsorship rights.

6 (e) Personal gifts. If one or more natural persons, as  
7 such, make a gift, bequest, or devise to a State officer or  
8 entity to which this Section applies and that does not result  
9 in any pecuniary benefit (other than a tax benefit) to the  
10 person or persons, then, at the request of the administrator  
11 and with the approval of the Executive Ethics Commission in the  
12 same manner as provided in subsection (f), the administrator  
13 may grant naming rights, sponsorship rights, or both, so long  
14 as the rights are of no pecuniary benefit to the person or  
15 persons, subject only to the limitations in subsection (c) on  
16 identifying information and characterization as "official" or  
17 in a similar fashion. The sole purpose of the gift, bequest, or  
18 devise must be to assist the recipient in fulfilling the  
19 recipient's core mission or purpose.

20 (f) Approval by Executive Ethics Commission. Upon  
21 determining to grant a license, the administrator must, within  
22 15 calendar days, deliver a written notice setting forth all of  
23 the pertinent facts relating to the proposal, proposer, and  
24 proposed license to the Executive Ethics Commission. A license  
25 shall not be granted unless approved in advance by the  
26 Commission. If the administrator proposes to amend an existing  
27 license, the administrator must deliver notice of the proposed  
28 amendment to the Commission within 15 calendar days, and the  
29 amendment shall not be made unless approved in advance by the  
30 Commission. The Commission's review shall be based solely on  
31 ethical and ethics related standards imposed by the law and on  
32 avoiding the appearance of impropriety. The Commission's  
33 approval shall not be unreasonably withheld.

34 Within 40 calendar days after its actual receipt from the

1 administrator of notice of a proposed license or amendment to a  
2 license, the Commission shall either approve or disapprove the  
3 proposed license or amendment and shall notify the  
4 administrator and other parties to the proposed license or  
5 amendment of its decision. The Commission may, in its  
6 discretion and before the running of the time period in which  
7 it must make a decision, grant itself one extension of up to an  
8 additional 40 calendar days in which to make a decision by  
9 notifying the administrator and other parties to the proposed  
10 license or amendment. If the Commission requests additional or  
11 supplemental information from the administrator or a party to  
12 the proposed license or amendment, the running of the time  
13 limit in which the Commission must make its decision is  
14 suspended, and the 40-day period begins anew when the  
15 information is delivered to the Commission. If the Commission  
16 fails to render a decision within the applicable time period,  
17 the proposed license or amendment is deemed approved.

18 (g) Rules. Each administrator and the Executive Ethics  
19 Commission may, separately, adopt rules to implement their  
20 several functions under this Section. The rules may not,  
21 however, waive or provide for the waiver of any of the  
22 requirements of this Section except as provided in this  
23 subsection. The Executive Ethics Commission may adopt rules  
24 authorizing the administrator to grant licenses without  
25 pre-approval under subsection (f), but the rules must specify,  
26 by category, those emergency and other extenuating situations  
27 in which pre-approval is waived, must provide for prompt review  
28 by the Commission after the granting of the license, and may  
29 contain other provisions the Commission deems necessary to  
30 prevent abuse of this procedure.

31 (h) Blind vendors. The provisions of this Section are  
32 subject to, and do not supersede, any of the provisions of the  
33 Blind Persons Operating Vending Facilities Act, any other State  
34 or federal law granting preference to blind persons, or any

1 rules or regulations adopted pursuant to any of those laws.

2 (i) Small consideration. If the value of the consideration  
3 for an individual naming or sponsorship right does not exceed  
4 \$25,000, the administrator may grant the right, subject only to  
5 the limitations in subsection (c) on identifying information  
6 and characterization as "official" or in a similar fashion, but  
7 the administrator must deliver a written notice giving the  
8 details to the Executive Ethics Commission at least one full  
9 business day before the administrator agrees to grant the  
10 right. Naming or sponsorship rights shall not be artificially  
11 divided in an attempt to qualify under this subsection.

12 (j) Applicability. This Section does not apply to naming  
13 rights and sponsorship rights with respect to property or other  
14 assets under the jurisdiction and control of the legislative  
15 branch or the judicial branch of the State. This Section  
16 applies to all naming rights and sponsorship rights granted  
17 with respect to the State Fair, as defined in Section 2 of the  
18 State Fair Act, on or after January 1, 2006. This Section  
19 applies to all other naming rights and sponsorship rights  
20 granted on or after the effective date of this amendatory Act  
21 of the 94th General Assembly.

22 (k) Retention of records. The administrator must maintain  
23 all records relating to (i) each license of naming rights or  
24 sponsorship rights for at least 7 years after the expiration of  
25 the term of the license and (ii) each proposal for naming  
26 rights or sponsorship rights that does not result in a license  
27 being granted to the proposer for at least 7 years after the  
28 proposal was submitted.

29 (l) Definitions. In this Section:

30 Notwithstanding Section 1.03 of this Act, in this Section  
31 "administrator" means (i) an officer or employee designated by  
32 the Attorney General with respect to the property and other  
33 assets under the jurisdiction and control of the Attorney  
34 General; (ii) an officer or employee designated by the

1 Secretary of State with respect to the property and other  
2 assets under the jurisdiction and control of the Secretary of  
3 State; (iii) an officer or employee designated by the  
4 Comptroller with respect to the property and other assets under  
5 the jurisdiction and control of the Comptroller; (iv) an  
6 officer or employee designated by the Treasurer with respect to  
7 the property and other assets under the jurisdiction and  
8 control of the Treasurer; (v) an officer or employee designated  
9 by the board of trustees of a public institution of higher  
10 education, as defined in Section 1 of the Board of Higher  
11 Education Act, with respect to the property and other assets  
12 under the jurisdiction and control of that public institution  
13 of higher education; and (vi) the Director of Central  
14 Management Services with respect to all other property and  
15 other assets to which this Section applies.

16 "Naming rights" means the right to associate the name or  
17 identifying mark of any person or entity with the name or  
18 identity of any State property or other asset.

19 "Sponsorship rights" means the right to associate the name  
20 or identifying mark of any person or entity with any State  
21 program or event on the grounds of, in, or with respect to any  
22 State property or other asset.

23 (m) This Section shall be construed to ensure that all  
24 naming and sponsorship rights are strictly controlled under the  
25 terms of this Section.

26 (n) Severability. The provisions of this Section are  
27 severable under Section 1.31 of the Statute on Statutes.

28 Section 35. The Illinois Pension Code is amended by  
29 changing Sections 1-101.2, 1-101.4, 1-110, 1-113.5, 1-113.12,  
30 1A-113, 22A-108.1, and 22A-111 and by adding Sections 1-125,  
31 1-130, 1-135, and 1-140 as follows:

32 (40 ILCS 5/1-101.2)

1           Sec. 1-101.2. Fiduciary. A person is a "fiduciary" with  
2   respect to a pension fund or retirement system established  
3   under this Code to the ~~the~~ extent that the person:

4           (1) exercises any discretionary authority or  
5   discretionary control respecting management of the pension  
6   fund or retirement system, or exercises any authority or  
7   control respecting management or disposition of its  
8   assets;

9           (2) renders investment advice for a fee or other  
10   compensation, direct or indirect, with respect to any  
11   moneys or other property of the pension fund or retirement  
12   system, or has any authority or responsibility to do so; or

13           (3) has any discretionary authority or discretionary  
14   responsibility in the administration of the pension fund or  
15   retirement system.

16   (Source: P.A. 90-507, eff. 8-22-97.)

17           (40 ILCS 5/1-101.4)

18           Sec. 1-101.4. Investment adviser. A person is an  
19   "investment adviser", "investment advisor", or "investment  
20   manager" with respect to a pension fund or retirement system  
21   established under this Code if the ~~the~~ person:

22           (1) is a fiduciary appointed by the board of trustees  
23   of the pension fund or retirement system in accordance with  
24   Section 1-109.1;

25           (2) has the power to manage, acquire, or dispose of any  
26   asset of the retirement system or pension fund;

27           (3) has acknowledged in writing that he or she is a  
28   fiduciary with respect to the pension fund or retirement  
29   system; and

30           (4) is at least one of the following: (i) registered as  
31   an investment adviser under the federal Investment  
32   Advisers Act of 1940 (15 U.S.C. 80b-1, et seq.) and ~~;(ii)~~  
33   registered as an investment adviser under the Illinois



1 Securities Law of 1953; (ii) ~~(iii)~~ a bank, as defined in  
2 the Investment Advisers Act of 1940; or (iii) ~~(iv)~~ an  
3 insurance company authorized to transact business in this  
4 State.

5 (Source: P.A. 90-507, eff. 8-22-97.)

6 (40 ILCS 5/1-110) (from Ch. 108 1/2, par. 1-110)

7 Sec. 1-110. Prohibited Transactions.

8 (a) A fiduciary with respect to a retirement system or  
9 pension fund shall not cause the retirement system or pension  
10 fund to engage in a transaction if he or she knows or should  
11 know that such transaction constitutes a direct or indirect:

12 (1) Sale or exchange, or leasing of any property from  
13 the retirement system or pension fund to a party in  
14 interest for less than adequate consideration, or from a  
15 party in interest to a retirement system or pension fund  
16 for more than adequate consideration.

17 (2) Lending of money or other extension of credit from  
18 the retirement system or pension fund to a party in  
19 interest without the receipt of adequate security and a  
20 reasonable rate of interest, or from a party in interest to  
21 a retirement system or pension fund with the provision of  
22 excessive security or an unreasonably high rate of  
23 interest.

24 (3) Furnishing of goods, services or facilities from  
25 the retirement system or pension fund to a party in  
26 interest for less than adequate consideration, or from a  
27 party in interest to a retirement system or pension fund  
28 for more than adequate consideration.

29 (4) Transfer to, or use by or for the benefit of, a  
30 party in interest of any assets of a retirement system or  
31 pension fund for less than adequate consideration.

32 (b) A fiduciary with respect to a retirement system or  
33 pension fund established under this Code shall not:

1           (1) Deal with the assets of the retirement system or  
2 pension fund in his own interest or for his own account;

3           (2) In his individual or any other capacity act in any  
4 transaction involving the retirement system or pension  
5 fund on behalf of a party whose interests are adverse to  
6 the interests of the retirement system or pension fund or  
7 the interests of its participants or beneficiaries; or

8           (3) Receive any consideration for his own personal  
9 account from any party dealing with the retirement system  
10 or pension fund in connection with a transaction involving  
11 the assets of the retirement system or pension fund.

12           (c) Nothing in this Section shall be construed to prohibit  
13 any trustee from:

14           (1) Receiving any benefit to which he may be entitled  
15 as a participant or beneficiary in the retirement system or  
16 pension fund.

17           (2) Receiving any reimbursement of expenses properly  
18 and actually incurred in the performance of his duties with  
19 the retirement system or pension fund.

20           (3) Serving as a trustee in addition to being an  
21 officer, employee, agent or other representative of a party  
22 in interest.

23           (d) A fiduciary with respect to a retirement system or  
24 pension fund shall not knowingly cause or advise the retirement  
25 system or pension fund to engage in an investment transaction  
26 when the fiduciary (i) has any direct interest in the income,  
27 gains, or profits of the investment dealer through which the  
28 investment transaction is made or (ii) has a business  
29 relationship with that investment dealer that would result in a  
30 pecuniary benefit to the fiduciary as a result of the  
31 investment transaction.

32           For the purposes of this subsection (d), "investment  
33 dealer" means any person who engages, either full time or part  
34 time, directly or indirectly, as an agent, broker, or

1 principal, in the business of offering, selling, buying and  
2 selling, or otherwise dealing or trading in securities issued  
3 by another person or in other investments owned or controlled  
4 by another person.

5 Whoever violates the provisions of this subsection (d) is  
6 guilty of a Class 3 felony.

7 (Source: P.A. 88-535.)

8 (40 ILCS 5/1-113.5)

9 Sec. 1-113.5. Investment advisers and investment services.

10 (a) The board of trustees of a pension fund or retirement  
11 system may appoint investment advisers as defined in Section  
12 1-101.4. The board of any pension fund investing in common or  
13 preferred stock under Section 1-113.4 shall appoint an  
14 investment adviser before making such investments.

15 The investment adviser shall be a fiduciary, as defined in  
16 Section 1-101.2, with respect to the pension fund or retirement  
17 system and shall be one of the following:

18 (1) an investment adviser registered under the federal  
19 Investment Advisers Act of 1940 and the Illinois Securities  
20 Law of 1953;

21 (2) a bank or trust company authorized to conduct a  
22 trust business in Illinois;

23 (3) a life insurance company authorized to transact  
24 business in Illinois; or

25 (4) an investment company as defined and registered  
26 under the federal Investment Company Act of 1940 and  
27 registered under the Illinois Securities Law of 1953.

28 (a-5) For the board of trustees of a pension fund or  
29 retirement system created under Article 2, 14, 15, 16, or 18,  
30 the selection and appointment of an investment adviser and the  
31 contracting for investment services by an investment adviser  
32 constitute procurements of professional and artistic services  
33 under the Illinois Procurement Code that must be made and

1 awarded in accordance with and through the use of the method of  
2 selection required by Article 35 of that Code. For the board of  
3 trustees of a pension fund or retirement system created under  
4 any other Article of this Code, the selection and appointment  
5 of an investment adviser and the contracting for investment  
6 services by an investment adviser constitute procurements that  
7 must be made and awarded in a manner substantially similar to  
8 the method of selection required for the procurement of  
9 professional and artistic services under Article 35 of the  
10 Illinois Procurement Code.

11 (b) All investment advice and services provided by an  
12 investment adviser appointed under this Section shall be (i)  
13 rendered pursuant to a written contract between the investment  
14 adviser and the board, awarded as provided in subsection (a-5),  
15 and (ii) in accordance with the board's investment policy.  
16 Notwithstanding any other provision of law, a contract awarded  
17 under this Section shall not exceed 5 years in duration. No  
18 contract awarded under this Section may be renewed or extended.  
19 No entity awarded a contract under this Section, or an  
20 affiliated entity of that entity, may be awarded another  
21 contract under this Section less than 5 years after the date  
22 the term of the earlier contract ends. For the purpose of this  
23 subsection, an "affiliated entity" means (i) any subsidiary of  
24 the contractor, (ii) any member of the same unitary business  
25 group as the contractor, (iii) any person with an ownership  
26 interest or distributive share of the contractor in excess of  
27 5%, (iv) an executive employee of the contractor, or (v) the  
28 spouse or minor child of a person described in (iii) or (iv).

29 The contract shall include all of the following:

30 (1) acknowledgement in writing by the investment  
31 adviser that he or she is a fiduciary with respect to the  
32 pension fund or retirement system;

33 (2) the board's investment policy;

34 (3) full disclosure of direct and indirect fees,

1 commissions, penalties, and any other compensation that  
2 may be received by the investment adviser, including  
3 reimbursement for expenses; and

4 (4) a requirement that the investment adviser submit  
5 periodic written reports, on at least a quarterly basis,  
6 for the board's review at its regularly scheduled meetings.  
7 All returns on investment shall be reported as net returns  
8 after payment of all fees, commissions, and any other  
9 compensation.

10 (b-5) Each contract described in subsection (b) shall also  
11 include (i) full disclosure of direct and indirect fees,  
12 commissions, penalties, and other compensation, including  
13 reimbursement for expenses, that may be paid by or on behalf of  
14 the investment adviser in connection with the provision of  
15 investment services and (ii) a requirement that the investment  
16 adviser update the disclosure promptly after a modification of  
17 those payments or an additional payment.

18 Within 30 days after the effective date of this amendatory  
19 Act of the 94th General Assembly, each investment adviser  
20 currently providing investment services or subject to an  
21 existing contract for the provision of investment services must  
22 disclose to the board of trustees all direct and indirect fees,  
23 commissions, penalties, and other compensation paid by or on  
24 behalf of the investment adviser in connection with the  
25 provision of those investment services and shall update that  
26 disclosure promptly after a modification of those payments or  
27 an additional payment.

28 A person required to make a disclosure under subsection (d)  
29 is also required to disclose direct and indirect fees,  
30 commissions, penalties, or other compensation that shall or may  
31 be paid by or on behalf of the person in connection with the  
32 rendering of the investment services. The person shall update  
33 the disclosure promptly after a modification of those payments  
34 or an additional payment.

1       The disclosures required by this subsection shall be in  
2 writing and shall include the date and amount of each payment  
3 and the name and address of each recipient of a payment.

4       (c) Within 30 days after appointing an investment adviser,  
5 the board shall submit a copy of the contract to the Division  
6 Department of Insurance of the Department of Financial and  
7 Professional Regulation.

8       (d) Investment services provided by a person other than an  
9 investment adviser appointed under this Section, including but  
10 not limited to services provided by the kinds of persons listed  
11 in items (1) through (4) of subsection (a), shall be rendered  
12 only after full written disclosure of direct and indirect fees,  
13 commissions, penalties, and any other compensation that shall  
14 or may be received by the person rendering those services.

15       (e) The board of trustees of each pension fund or  
16 retirement system shall retain records of investment  
17 transactions in accordance with the rules of the Department of  
18 Insurance.

19       (f) This subsection applies to the board of trustees of a  
20 pension fund or retirement system created under Article 2, 14,  
21 15, 16, or 18. Notwithstanding any other provision of law, a  
22 board of trustees shall comply with the Business Enterprise for  
23 Minorities, Females, and Persons with Disabilities Act. The  
24 board of trustees shall post upon its website the percentage of  
25 its contracts awarded under this Section currently and during  
26 the preceding 5 fiscal years that were awarded to "minority  
27 owned businesses", "female owned businesses", and "businesses  
28 owned by a person with a disability", as those terms are  
29 defined in the Business Enterprise for Minorities, Females, and  
30 Persons with Disabilities Act.

31 (Source: P.A. 90-507, eff. 8-22-97.)

32 (40 ILCS 5/1-113.12)

33 Sec. 1-113.12. Application. Sections 1-113.1 through

1 1-113.10 apply only to pension funds established under Article  
2 3 or 4 of this Code, except that Section 1-113.5 applies to all  
3 pension funds and retirement systems established under this  
4 Code.

5 (Source: P.A. 90-507, eff. 8-22-97.)

6 (40 ILCS 5/1-125 new)

7 Sec. 1-125. No monetary gain on investments. No trustee or  
8 employee of the board of any retirement system or pension fund  
9 or of the Illinois State Board of Investment shall have any  
10 direct interest in the income, gains, or profits of any  
11 investments made in behalf of the retirement system or pension  
12 fund or of the Illinois State Board of Investment, nor receive  
13 any pay or emolument for services in connection with any  
14 investment. No trustee or employee of the board of any  
15 retirement system or pension fund or the Illinois State Board  
16 of Investment shall become an endorser or surety, or in any  
17 manner an obligor for money loaned or borrowed from the  
18 retirement system or pension fund or the Illinois State Board  
19 of Investment. Whoever violates any of the provisions of this  
20 Section is guilty of a Class 3 felony.

21 (40 ILCS 5/1-130 new)

22 Sec. 1-130. Fraud. Any person who knowingly makes any false  
23 statement, or falsifies or permits to be falsified any record  
24 of a retirement system or pension fund or of the Illinois State  
25 Board of Investment, in an attempt to defraud the retirement  
26 system or pension fund or the Illinois State Board of  
27 Investment, is guilty of a Class 3 felony.

28 (40 ILCS 5/1-135 new)

29 Sec. 1-135. Prohibition on gifts.

30 (a) For the purposes of this Section:

31 (1) "Board" means (i) the board of trustees of a

1 pension fund or retirement system created under this Code  
2 or (ii) the Illinois State Board of Investment created  
3 under Article 22A of this Code.

4 (2) "Gift" means a gift as defined in Section 1-5 of  
5 the State Officials and Employees Ethics Act.

6 (3) "Prohibited source" is a person or entity who:

7 (i) is seeking official action (A) by the board,  
8 (B) by a board member, or (C) in the case of a board  
9 employee, by the employee, the board, a board member,  
10 or another employee directing the employee;

11 (ii) does business or seeks to do business (A) with  
12 the board, (B) with a board member, or (C) in the case  
13 of a board employee, with the employee, the board, a  
14 board member, or another employee directing the  
15 employee;

16 (iii) has interests that may be substantially  
17 affected by the performance or non-performance of the  
18 official duties of the board member or employee; or

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

25 (b) No board member or employee shall solicit or accept any  
26 gift from a prohibited source or from an officer, agent, or  
27 employee of a prohibited source. No prohibited source or  
28 officer, agent, or employee of a prohibited source shall offer  
29 to a board member or employee any gift.

30 (c) Violation of this Section is a Class A misdemeanor. In  
31 addition, a board member or employee who violates this Section  
32 forfeits his or her office or employment and shall be removed  
33 from that office or employment.



1 (40 ILCS 5/1-140 new)

2 Sec. 1-140. Contingent fees. No person shall retain or  
3 employ another to attempt to influence the outcome of an  
4 investment decision of or the procurement of investment advice  
5 or services by a board of a pension fund or retirement system  
6 or the Illinois State Board of Investment for compensation  
7 contingent in whole or in part upon the decision or  
8 procurement, and no person shall accept any such retainer or  
9 employment for compensation contingent in whole or in part upon  
10 the decision or procurement. Any person who violates this  
11 Section is guilty of a business offense and shall be fined not  
12 more than \$10,000. In addition, any person convicted of a  
13 violation of this Section is prohibited for a period of 3 years  
14 from conducting such activities.

15 (40 ILCS 5/1A-113)

16 Sec. 1A-113. Penalties.

17 (a) A pension fund that fails, without just cause, to file  
18 its annual statement within the time prescribed under Section  
19 1A-109 shall pay to the Department a penalty to be determined  
20 by the Department, which shall not exceed \$100 for each day's  
21 delay.

22 (b) A pension fund that fails, without just cause, to file  
23 its actuarial statement within the time prescribed under  
24 Section 1A-110 or 1A-111 shall pay to the Department a penalty  
25 to be determined by the Department, which shall not exceed \$100  
26 for each day's delay.

27 (c) A pension fund that fails to pay a fee within the time  
28 prescribed under Section 1A-112 shall pay to the Department a  
29 penalty of 5% of the amount of the fee for each month or part of  
30 a month that the fee is late. The entire penalty shall not  
31 exceed 25% of the fee due.

32 (d) This subsection applies to any governmental unit, as  
33 defined in Section 1A-102, that is subject to any law

1 establishing a pension fund or retirement system for the  
2 benefit of employees of the governmental unit.

3 Whenever the Division determines by examination,  
4 investigation, or in any other manner that the governing body  
5 or any elected or appointed officer or official of a  
6 governmental unit has failed to comply with any provision of  
7 that law:

8 (1) The Director shall notify in writing the governing  
9 body, officer, or official of the specific provision or  
10 provisions of the law with which the person has failed to  
11 comply.

12 (2) Upon receipt of the notice, the person notified  
13 shall take immediate steps to comply with the provisions of  
14 law specified in the notice.

15 (3) If the person notified fails to comply within a  
16 reasonable time after receiving the notice, the Director  
17 may hold a hearing at which the person notified may show  
18 cause for noncompliance with the law.

19 (4) If upon hearing the Director determines that good  
20 and sufficient cause for noncompliance has not been shown,  
21 the Director may order the person to submit evidence of  
22 compliance within a specified period of not less than 30  
23 days.

24 (5) If evidence of compliance has not been submitted to  
25 the Director within the period of time prescribed in the  
26 order and no administrative appeal from the order has been  
27 initiated, the Director may assess a civil penalty of up to  
28 \$2,000 against the governing body, officer, or official for  
29 each noncompliance with an order of the Director.

30 The Director shall develop by rule, with as much  
31 specificity as practicable, the standards and criteria to be  
32 used in assessing penalties and their amounts. The standards  
33 and criteria shall include, but need not be limited to,  
34 consideration of evidence of efforts made in good faith to

1 comply with applicable legal requirements. This rulemaking is  
2 subject to the provisions of the Illinois Administrative  
3 Procedure Act.

4 If a penalty is not paid within 30 days of the date of  
5 assessment, the Director without further notice shall report  
6 the act of noncompliance to the Attorney General of this State.  
7 It shall be the duty of the Attorney General or, if the  
8 Attorney General so designates, the State's Attorney of the  
9 county in which the governmental unit is located to apply  
10 promptly by complaint on relation of the Director of Insurance  
11 in the name of the people of the State of Illinois, as  
12 plaintiff, to the circuit court of the county in which the  
13 governmental unit is located for enforcement of the penalty  
14 prescribed in this subsection or for such additional relief as  
15 the nature of the case and the interest of the employees of the  
16 governmental unit or the public may require.

17 (e) Whoever knowingly makes a false certificate, entry, or  
18 memorandum upon any of the books or papers pertaining to any  
19 pension fund or upon any statement, report, or exhibit filed or  
20 offered for file with the Division or the Director of Insurance  
21 in the course of any examination, inquiry, or investigation,  
22 with intent to deceive the Director, the Division, or any of  
23 its employees is guilty of a Class 3 felony ~~A misdemeanor~~.

24 (Source: P.A. 90-507, eff. 8-22-97.)

25 (40 ILCS 5/22A-108.1) (from Ch. 108 1/2, par. 22A-108.1)

26 Sec. 22A-108.1. Investment Advisor: Any person or business  
27 entity which provides investment advice to the ~~the~~ Board on a  
28 personalized basis and with an understanding of the policies  
29 and goals of the Board. "Investment Advisor" shall not include  
30 any person or business entity which provides statistical or  
31 general market research data available for purchase or use by  
32 others.

33 (Source: P.A. 79-1171.)

1 (40 ILCS 5/22A-111) (from Ch. 108 1/2, par. 22A-111)

2 Sec. 22A-111. Duties and responsibilities.

3 (a) The Board shall manage the investments of any pension  
4 fund, retirement system or education fund for the purpose of  
5 obtaining a total return on investments for the long term. It  
6 also shall perform such other functions as may be assigned or  
7 directed by the General Assembly.

8 (b) The authority of the board to manage pension fund  
9 investments and the liability shall begin when there has been a  
10 physical transfer of the pension fund investments to the board  
11 and placed in the custody of the State Treasurer.

12 (c) The authority of the board to manage monies from the  
13 education fund for investment and the liability of the board  
14 shall begin when there has been a physical transfer of  
15 education fund investments to the board and placed in the  
16 custody of the State Treasurer.

17 (d) The board may not delegate its management functions but  
18 it may arrange to compensate for personalized investment  
19 advisory service for any or all investments under its control,  
20 with any national or state bank or trust company authorized to  
21 do a trust business and domiciled in Illinois, or other  
22 financial institution organized under the laws of Illinois, or  
23 an investment advisor who is qualified under Federal Investment  
24 Advisors Act of 1940 and is registered under the Illinois  
25 Securities Law of 1953. Nothing contained herein shall prevent  
26 the Board from subscribing to general investment research  
27 services available for purchase or use by others. The Board  
28 shall also have the authority to compensate for accounting  
29 services.

30 (e) The selection of an investment advisor and the  
31 contracting for investment services by an investment advisor  
32 constitute procurements of professional and artistic services  
33 under the Illinois Procurement Code that must be made and

1 awarded in accordance with and through the use of the method of  
2 selection required by Article 35 of that Code.

3 Notwithstanding any other provision of law, a contract  
4 awarded under this subsection shall not exceed 5 years in  
5 duration. No contract awarded under this subsection may be  
6 renewed or extended. No entity awarded a contract under this  
7 subsection, or an an affiliated entity of that entity, may be  
8 awarded another contract under this subsection less than 5  
9 years after the date the term of the earlier contract ends. For  
10 the purpose of this subsection, an "affiliated entity" means  
11 (i) any subsidiary of the contractor, (ii) any member of the  
12 same unitary business group as the contractor, (iii) any person  
13 with an ownership interest or distributive share of the  
14 contractor in excess of 5%, (iv) an executive employee of the  
15 contractor, or (v) the spouse or minor child of a person  
16 described in item (iii) or (iv).

17 In addition to any other requirement, each contract between  
18 the Board and an investment advisor shall include (i) full  
19 disclosure of direct and indirect fees, commissions,  
20 penalties, and other compensation, including reimbursement for  
21 expenses, that may be paid by or on behalf of the investment  
22 advisor in connection with the provision of investment services  
23 and (ii) a requirement that the investment advisor update the  
24 disclosure promptly after a modification of those payments or  
25 an additional payment.

26 Within 30 days after the effective date of this amendatory  
27 Act of the 94th General Assembly, each investment advisor  
28 currently providing investment services or subject to an  
29 existing contract for the provision of investment services must  
30 disclose to the Board all direct and indirect fees,  
31 commissions, penalties, and other compensation paid by or on  
32 behalf of the investment advisor in connection with the  
33 provision of those investment services and shall update that  
34 disclosure promptly after a modification of those payments or

1 an additional payment.

2 The disclosures required by this subsection shall be in  
3 writing and shall include the date and amount of each payment  
4 and the name and address of each recipient of a payment.

5 Notwithstanding any other provision of law, the Board shall  
6 comply with the Business Enterprise for Minorities, Females,  
7 and Persons with Disabilities Act. The Board shall post upon  
8 its website the percentage of its contracts awarded under this  
9 subsection currently and during the preceding 5 fiscal years  
10 that were awarded to "minority owned businesses", "female owned  
11 businesses", and "businesses owned by a person with a  
12 disability", as those terms are defined in the Business  
13 Enterprise for Minorities, Females, and Persons with  
14 Disabilities Act.

15 (Source: P.A. 84-1127.)

16 (40 ILCS 5/2-152 rep.)

17 (40 ILCS 5/2-155 rep.)

18 (40 ILCS 5/12-190.3 rep.)

19 (40 ILCS 5/13-806 rep.)

20 (40 ILCS 5/14-148 rep.)

21 (40 ILCS 5/15-186 rep.)

22 (40 ILCS 5/15-189 rep.)

23 (40 ILCS 5/16-191 rep.)

24 (40 ILCS 5/16-198 rep.)

25 (40 ILCS 5/18-159 rep.)

26 (40 ILCS 5/18-162 rep.)

27 Section 40. The Illinois Pension Code is amended by  
28 repealing Sections 2-152, 2-155, 12-190.3, 13-806, 14-148,  
29 15-186, 15-189, 16-191, 16-198, 18-159, and 18-162.

30 Section 99. Effective date. This Act takes effect upon  
31 becoming law."