



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5464

Introduced 2/5/2010, by Rep. Elizabeth Coulson

SYNOPSIS AS INTRODUCED:

- 5 ILCS 430/20-10
- 5 ILCS 430/20-50
- 5 ILCS 430/20-95
- 5 ILCS 430/25-10
- 5 ILCS 430/25-50
- 5 ILCS 430/25-95
- 5 ILCS 430/30-5
- 5 ILCS 430/Art. 60 heading new
- 5 ILCS 430/60-5 new

Amends the State Officials and Employees Ethics Act. With respect to Inspectors General and Ethics Commissions, makes changes concerning: removal; budgets; monitoring of State hiring; disclosure of summary reports; and consolidation of offices.

LRB096 17436 JAM 32792 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

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

4 Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Sections 20-10, 20-50, 20-95, 25-10, 25-50,
6 25-95, and 30-5 and by adding the heading of Article 60 and
7 Section 60-5 as follows:

8 (5 ILCS 430/20-10)

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

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

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

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

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

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

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

26 (2) has earned a baccalaureate degree from an

1 institution of higher education; and

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

10 The term of each initial Executive Inspector General shall
11 commence upon qualification and shall run through June 30,
12 2008. The initial appointments shall be made within 60 days
13 after the effective date of this Act.

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

19 A vacancy occurring other than at the end of a term shall
20 be filled by the appointing authority only for the balance of
21 the term of the Executive Inspector General whose office is
22 vacant.

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

25 (c) The Executive Inspector General appointed by the
26 Attorney General shall have jurisdiction over the Attorney

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

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

1 rules.

2 (d) The compensation for each Executive Inspector General
3 shall be determined by the Executive Ethics Commission and
4 shall be made from appropriations made to the Comptroller for
5 this purpose.

6 (d-5) Subject to Section 20-45 of this Act, each Executive
7 Inspector General has full authority to organize his or her
8 Office of the Executive Inspector General, including the
9 employment and determination of the compensation of staff, such
10 as deputies, assistants, and other employees, as
11 appropriations permit. Each Office of the Executive Inspector
12 General must include an administrative and investigative unit
13 dedicated solely to the proactive monitoring and review of the
14 hiring practices and activities of the State agencies under the
15 jurisdiction of that Executive Inspector General. Each Office
16 of the Executive Inspector General shall be given full access
17 to all hiring information of the State agencies under the
18 jurisdiction of that Executive Inspector General. A separate
19 appropriation shall be made for each Office of Executive
20 Inspector General.

21 (e) No Executive Inspector General or employee of the
22 Office of the Executive Inspector General may, during his or
23 her term of appointment or employment:

- 24 (1) become a candidate for any elective office;
- 25 (2) hold any other elected or appointed public office
- 26 except for appointments on governmental advisory boards or

1 study commissions or as otherwise expressly authorized by
2 law;

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

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

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

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

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

16 (2) hold any elected public office; or

17 (3) hold any appointed State, county, or local judicial
18 office.

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

21 (f) An Executive Inspector General may be removed only for
22 cause and may be removed only after ~~by~~ the appointing
23 constitutional officer certifies to the Senate the reasons for
24 removal, the Senate conducts a public evidentiary hearing on
25 the reasons, and a majority of the Senate subsequently votes to
26 remove the Executive Inspector General. After. ~~At the time of~~

1 the removal, the appointing constitutional officer must report
2 to the Executive Ethics Commission the justification for the
3 removal.

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

5 (5 ILCS 430/20-50)

6 Sec. 20-50. Investigation reports.

7 (a) If an Executive Inspector General, upon the conclusion
8 of an investigation, determines that reasonable cause exists to
9 believe that a violation has occurred, then the Executive
10 Inspector General shall issue a summary report of the
11 investigation. The report shall be delivered to the appropriate
12 ultimate jurisdictional authority and to the head of each State
13 agency affected by or involved in the investigation, if
14 appropriate. The appropriate ultimate jurisdictional authority
15 or agency head shall respond to the summary report within 20
16 days, in writing, to the Executive Inspector General. The
17 response shall include a description of any corrective or
18 disciplinary action to be imposed.

19 (b) The summary report of the investigation shall include
20 the following:

21 (1) A description of any allegations or other
22 information received by the Executive Inspector General
23 pertinent to the investigation.

24 (2) A description of any alleged misconduct discovered
25 in the course of the investigation.

1 (3) Recommendations for any corrective or disciplinary
2 action to be taken in response to any alleged misconduct
3 described in the report, including but not limited to
4 discharge.

5 (4) Other information the Executive Inspector General
6 deems relevant to the investigation or resulting
7 recommendations.

8 (b-5) Within 60 days after delivery of a summary report,
9 the Executive Ethics Commission shall make the report public
10 unless within that 60-day period the Executive Inspector
11 General certifies to the Executive Ethics Commission that
12 publication of the summary report will interfere with an
13 ongoing investigation. When the Inspector General so
14 certifies, the Executive Ethics Commission shall publish the
15 report (i) within 6 months after the date of that
16 certification, if the ongoing investigation does not involve a
17 criminal matter, or (ii) within 2 years after the date of that
18 certification, if the ongoing investigation involves a
19 criminal matter. If the ongoing investigation involves a
20 criminal matter, the Executive Inspector General, every 6
21 months until publication of the report, must certify to the
22 Executive Ethics Commission that publication will interfere
23 with the ongoing investigation.

24 The name of a State employee for whom discipline is
25 recommended in a summary report required to be published under
26 this subsection shall not be redacted from the report under

1 this Act or the Freedom of Information Act if the employee is
2 required to file a statement of economic interests under the
3 Illinois Governmental Ethics Act or the employee is alleged to
4 have violated Section 5-15, Section 5-45, or Article 10 of this
5 Act. Regarding summary reports required to be published under
6 this subsection that recommend discipline for any other State
7 employee, the Executive Ethics Commission shall determine
8 whether it is in the public interest to publish or redact the
9 name of the State employee.

10 Notwithstanding the foregoing, the Inspector General may
11 redact information in summary reports that would reveal the
12 identity of witnesses, complainants, or informants before
13 publication if the Inspector General determines that it is
14 appropriate to protect their identity.

15 When the summary report is made public, the disciplinary
16 decision and justification from the State agency should also be
17 made public, along with any response from the employee if the
18 employee wishes.

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

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

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

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

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

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

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

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

17 (f) The Commission shall meet, either in person or by
18 telephone, at least 30 days after the complaint is served on
19 all respondents in a closed session to review the sufficiency
20 of the complaint. The Commission shall issue notice by
21 certified mail, return receipt requested, to the Executive
22 Inspector General, Attorney General, and all respondents of the
23 Commission's ruling on the sufficiency of the complaint. If the
24 complaint is deemed to sufficiently allege a violation of this
25 Act, then the Commission shall include a hearing date scheduled
26 within 4 weeks after the date of the notice, unless all of the

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

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

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

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

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

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

26 (l) Within 30 days after the issuance of a final

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

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

8 (5 ILCS 430/20-95)

9 Sec. 20-95. Exemptions.

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

13 (b) Summary reports published pursuant to subsection (b-5)
14 of Section 20-50 are public records. Other ~~Any~~ allegations and
15 related documents submitted to an Executive Inspector General
16 and any pleadings and related documents brought before the
17 Executive Ethics Commission are exempt from the provisions of
18 the Freedom of Information Act so long as the Executive Ethics
19 Commission does not make a finding of a violation of this Act.
20 If the Executive Ethics Commission finds that a violation has
21 occurred, the entire record of proceedings before the
22 Commission, the decision and recommendation, and the response
23 from the agency head or ultimate jurisdictional authority to
24 the Executive Ethics Commission are not exempt from the
25 provisions of the Freedom of Information Act but information

1 contained therein that is otherwise exempt from the Freedom of
2 Information Act must be redacted before disclosure as provided
3 in the Freedom of Information Act. A summary report released by
4 the Executive Ethics Commission under Section 20-52 is a public
5 record, but information redacted by the Executive Ethics
6 Commission shall not be part of the public record.

7 (c) Meetings of the Commission are exempt from the
8 provisions of the Open Meetings Act.

9 (d) Unless otherwise provided in this Act, all
10 investigatory files and reports of the Office of an Executive
11 Inspector General, other than monthly reports required under
12 Section 20-85, are confidential, are exempt from disclosure
13 under the Freedom of Information Act, and shall not be divulged
14 to any person or agency, except as necessary (i) to a law
15 enforcement authority, (ii) to the ultimate jurisdictional
16 authority, (iii) to the Executive Ethics Commission; or (iv) to
17 another Inspector General appointed pursuant to this Act.

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

19 (5 ILCS 430/25-10)

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

21 (a) The independent Office of the Legislative Inspector
22 General is created. The Office shall be under the direction and
23 supervision of the Legislative Inspector General and shall be a
24 fully independent office with its own appropriation.

25 (b) The Legislative Inspector General shall be appointed

1 without regard to political affiliation and solely on the basis
2 of integrity and demonstrated ability. The Legislative Ethics
3 Commission shall diligently search out qualified candidates
4 for Legislative Inspector General and shall make
5 recommendations to the General Assembly.

6 The Legislative Inspector General shall be appointed by a
7 joint resolution of the Senate and the House of
8 Representatives, which may specify the date on which the
9 appointment takes effect. A joint resolution, or other document
10 as may be specified by the Joint Rules of the General Assembly,
11 appointing the Legislative Inspector General must be certified
12 by the Speaker of the House of Representatives and the
13 President of the Senate as having been adopted by the
14 affirmative vote of three-fifths of the members elected to each
15 house, respectively, and be filed with the Secretary of State.
16 The appointment of the Legislative Inspector General takes
17 effect on the day the appointment is completed by the General
18 Assembly, unless the appointment specifies a later date on
19 which it is to become effective.

20 The Legislative Inspector General shall have the following
21 qualifications:

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

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

26 (3) has 5 or more years of cumulative service (A) with

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

8 The Legislative Inspector General may not be a relative of
9 a commissioner.

10 The term of the initial Legislative Inspector General shall
11 commence upon qualification and shall run through June 30,
12 2008.

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

18 A vacancy occurring other than at the end of a term shall
19 be filled in the same manner as an appointment only for the
20 balance of the term of the Legislative Inspector General whose
21 office is vacant.

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

24 (c) The Legislative Inspector General shall have
25 jurisdiction over the members of the General Assembly and all
26 State employees whose ultimate jurisdictional authority is (i)

1 a legislative leader, (ii) the Senate Operations Commission, or
2 (iii) the Joint Committee on Legislative Support Services.

3 The jurisdiction of each Legislative Inspector General is
4 to investigate allegations of fraud, waste, abuse,
5 mismanagement, misconduct, nonfeasance, misfeasance,
6 malfeasance, or violations of this Act or violations of other
7 related laws and rules.

8 (d) The compensation of the Legislative Inspector General
9 shall be the greater of an amount (i) determined by the
10 Commission or (ii) by joint resolution of the General Assembly
11 passed by a majority of members elected in each chamber.

12 (d-5) Subject to Section 25-45 of this Act, the Legislative
13 Inspector General has full authority to organize the Office of
14 the Legislative Inspector General, including the employment
15 and determination of the compensation of staff, such as
16 deputies, assistants, and other employees, as appropriations
17 permit. Employment of staff is subject to the approval of at
18 least 3 of the 4 legislative leaders.

19 The Office of the Legislative Inspector General must
20 include an administrative and investigative unit dedicated
21 solely to the proactive monitoring and review of the hiring
22 practices and activities of the State agencies under the
23 jurisdiction of the Legislative Inspector General. The Office
24 of the Legislative Inspector General shall be given full access
25 to all hiring information of the State agencies under his or
26 her jurisdiction.

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

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

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

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

11 (4) actively participate in any campaign for any
12 elective office.

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

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

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

21 (2) hold any elected public office; or

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

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

26 (f) The Commission may remove the Legislative Inspector

1 General only for cause. At the time of the removal, the
2 Commission must report to the General Assembly the
3 justification for the removal.

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

5 (5 ILCS 430/25-50)

6 Sec. 25-50. Investigation reports.

7 (a) If the Legislative Inspector General, upon the
8 conclusion of an investigation, determines that reasonable
9 cause exists to believe that a violation has occurred, then the
10 Legislative Inspector General shall issue a summary report of
11 the investigation. The report shall be delivered to the
12 appropriate ultimate jurisdictional authority and to the head
13 of each State agency affected by or involved in the
14 investigation, if appropriate. The appropriate ultimate
15 jurisdictional authority or agency head shall respond to the
16 summary report within 20 days, in writing, to the Legislative
17 Inspector General. The response shall include a description of
18 any corrective or disciplinary action to be imposed.

19 (b) The summary report of the investigation shall include
20 the following:

21 (1) A description of any allegations or other
22 information received by the Legislative Inspector General
23 pertinent to the investigation.

24 (2) A description of any alleged misconduct discovered
25 in the course of the investigation.

1 (3) Recommendations for any corrective or disciplinary
2 action to be taken in response to any alleged misconduct
3 described in the report, including but not limited to
4 discharge.

5 (4) Other information the Legislative Inspector
6 General deems relevant to the investigation or resulting
7 recommendations.

8 (b-5) Within 60 days after delivery of a summary report,
9 the Legislative Ethics Commission shall make the report public
10 unless within that 60-day period the Legislative Inspector
11 General certifies to the Legislative Ethics Commission that
12 publication of the summary report will interfere with an
13 ongoing investigation. When the Inspector General so
14 certifies, the Legislative Ethics Commission shall publish the
15 report (i) within 6 months after the date of that
16 certification, if the ongoing investigation does not involve a
17 criminal matter, or (ii) within 2 years after the date of that
18 certification, if the ongoing investigation involves a
19 criminal matter. If the ongoing investigation involves a
20 criminal matter, the Legislative Inspector General, every 6
21 months until publication of the report, must certify to the
22 Legislative Ethics Commission that publication will interfere
23 with the ongoing investigation.

24 The name of a State employee for whom discipline is
25 recommended in a summary report required to be published under
26 this subsection shall not be redacted from the report under

1 this Act or the Freedom of Information Act if the employee is
2 required to file a statement of economic interests under the
3 Illinois Governmental Ethics Act or the employee is alleged to
4 have violated Section 5-15, Section 5-45, or Article 10 of this
5 Act. Regarding summary reports required to be published under
6 this subsection that recommend discipline for any other State
7 employee, the Legislative Ethics Commission shall determine
8 whether it is in the public interest to publish or redact the
9 name of the State employee.

10 Notwithstanding the foregoing, the Inspector General may
11 redact information in summary reports that would reveal the
12 identity of witnesses, complainants, or informants before
13 publication if the Inspector General determines that it is
14 appropriate to protect their identity.

15 When the summary report is made public, the disciplinary
16 decision and justification from the State agency should also be
17 made public, along with any response from the employee if the
18 employee wishes.

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

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

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

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

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

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

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

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

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

1 to sufficiently allege a violation, then the Commission shall
2 send by certified mail, return receipt requested, a notice to
3 the Legislative Inspector General, the Attorney General, and
4 all respondents the decision to dismiss the complaint.

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

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

18 (i) The proceedings on any complaint filed with the
19 Commission shall be conducted pursuant to rules promulgated by
20 the Commission.

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

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

25 (l) Within 30 days after the issuance of a final
26 administrative decision that concludes that a violation

1 occurred, the Legislative Ethics Commission shall make public
2 the entire record of proceedings before the Commission, the
3 decision, any recommendation, any discipline imposed, and the
4 response from the agency head or ultimate jurisdictional
5 authority to the Legislative Ethics Commission.

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

7 (5 ILCS 430/25-95)

8 Sec. 25-95. Exemptions.

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

12 (a-5) Requests from ethics officers, members, and State
13 employees to the Office of the Legislative Inspector General, a
14 Special Legislative Inspector General, the Legislative Ethics
15 Commission, an ethics officer, or a person designated by a
16 legislative leader for guidance on matters involving the
17 interpretation or application of this Act or rules promulgated
18 under this Act are exempt from the provisions of the Freedom of
19 Information Act. Guidance provided to an ethics officer,
20 member, or State employee at the request of an ethics officer,
21 member, or State employee by the Office of the Legislative
22 Inspector General, a Special Legislative Inspector General,
23 the Legislative Ethics Commission, an ethics officer, or a
24 person designated by a legislative leader on matters involving
25 the interpretation or application of this Act or rules

1 promulgated under this Act is exempt from the provisions of the
2 Freedom of Information Act.

3 (b) Summary reports published pursuant to subsection (b-5)
4 of Section 25-50 are public records. Summary investigation
5 reports released by the Legislative Ethics Commission as
6 provided in Section 25-52 are public records. Otherwise, any
7 allegations and related documents submitted to the Legislative
8 Inspector General and any pleadings and related documents
9 brought before the Legislative Ethics Commission are exempt
10 from the provisions of the Freedom of Information Act so long
11 as the Legislative Ethics Commission does not make a finding of
12 a violation of this Act. If the Legislative Ethics Commission
13 finds that a violation has occurred, the entire record of
14 proceedings before the Commission, the decision and
15 recommendation, and the mandatory report from the agency head
16 or ultimate jurisdictional authority to the Legislative Ethics
17 Commission are not exempt from the provisions of the Freedom of
18 Information Act but information contained therein that is
19 exempt from the Freedom of Information Act must be redacted
20 before disclosure as provided in Section 8 of the Freedom of
21 Information Act.

22 (c) Meetings of the Commission are exempt from the
23 provisions of the Open Meetings Act.

24 (d) Unless otherwise provided in this Act, all
25 investigatory files and reports of the Office of the
26 Legislative Inspector General, other than monthly reports, are

1 confidential, are exempt from disclosure under the Freedom of
2 Information Act, and shall not be divulged to any person or
3 agency, except as necessary (i) to the appropriate law
4 enforcement authority if the matter is referred pursuant to
5 this Act, (ii) to the ultimate jurisdictional authority, or
6 (iii) to the Legislative Ethics Commission.

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

8 (5 ILCS 430/30-5)

9 Sec. 30-5. Appointment of Inspector General.

10 (a) The Auditor General shall appoint an Inspector General
11 (i) to investigate allegations of violations of Articles 5 and
12 10 by State officers and employees under his or her
13 jurisdiction, (ii) to proactively monitor and review the hiring
14 practices and activities of the Office of the Auditor General,
15 and (iii) and ~~(ii)~~ to perform other duties and exercise other
16 powers assigned to the Inspectors General by this or any other
17 Act. The Inspector General shall be appointed within 6 months
18 after the effective date of this Act.

19 (b) The Auditor General shall provide by rule for the
20 operation of his or her Inspector General. It is declared to be
21 in the public interest, safety, and welfare that the Auditor
22 General adopt emergency rules under the Illinois
23 Administrative Procedure Act to initially perform his or her
24 duties under this subsection.

25 (c) The Auditor General may appoint an existing inspector

1 general as the Inspector General required by this Article,
2 provided that such an inspector general is not prohibited by
3 law, rule, jurisdiction, qualification, or interest from
4 serving as the Inspector General required by this Article.

5 The Auditor General may not appoint a relative as the
6 Inspector General required by this Article.

7 (d) The Inspector General appointed by the Auditor General
8 may be removed by the Auditor General only for cause after the
9 Auditor General certifies to the Senate the reasons for
10 removal, the Senate conducts a public evidentiary hearing on
11 the reasons, and the Senate subsequently votes to remove the
12 Inspector General.

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

14 (5 ILCS 430/Art. 60 heading new)

15 ARTICLE 60. OTHER PROVISIONS

16 (5 ILCS 430/60-5 new)

17 Sec. 60-5. Consolidation study. By December 31, 2011, the
18 Executive Inspectors General, the Legislative Inspector
19 General, and the Auditor General's Inspector General jointly
20 shall study and report to the General Assembly upon the
21 feasibility and advisability of the consolidation of their
22 offices into one Office of the Ethics Inspector General.