



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2302

Introduced 1/10/2018, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

5 ILCS 430/25-5
5 ILCS 430/25-10

Amends the State Officials and Employees Ethics Act. Provides that the jurisdiction of the Legislative Ethics Commission and the Legislative Inspector General includes current and former members and employees of the General Assembly for events occurring during their terms of office in the General Assembly, or their periods of employment by the legislative branch of the government. Provides that the changes made by this amendatory Act are declarative of existing law. Effective immediately.

LRB100 16714 JWD 31853 b

1 AN ACT concerning State 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 25-5 and 25-10 as follows:

6 (5 ILCS 430/25-5)

7 Sec. 25-5. Legislative Ethics Commission.

8 (a) The Legislative Ethics Commission is created.

9 (b) The Legislative Ethics Commission shall consist of 8
10 commissioners appointed 2 each by the President and Minority
11 Leader of the Senate and the Speaker and Minority Leader of the
12 House of Representatives.

13 The terms of the initial commissioners shall commence upon
14 qualification. Each appointing authority shall designate one
15 appointee who shall serve for a 2-year term running through
16 June 30, 2005. Each appointing authority shall designate one
17 appointee who shall serve for a 4-year term running through
18 June 30, 2007. The initial appointments shall be made within 60
19 days after the effective date of this Act.

20 After the initial terms, commissioners shall serve for
21 4-year terms commencing on July 1 of the year of appointment
22 and running through June 30 of the fourth following year.
23 Commissioners may be reappointed to one or more subsequent

1 terms.

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

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

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

22 (d) The Legislative Ethics Commission shall have
23 jurisdiction over current and former members of the General
24 Assembly regarding events occurring during a member's term of
25 office, and current and former ~~all~~ State employees regarding
26 events occurring during any period of employment where the

1 State employee's ~~whose~~ ultimate jurisdictional authority is
2 (i) a legislative leader, (ii) the Senate Operations
3 Commission, or (iii) the Joint Committee on Legislative Support
4 Services. The jurisdiction of the Commission is limited to
5 matters arising under this Act. The changes made to this
6 Section by this amendatory Act of the 100th General Assembly
7 are declarative of existing law and do not change the
8 substantive operation of this Section.

9 An officer or executive branch State employee serving on a
10 legislative branch board or commission remains subject to the
11 jurisdiction of the Executive Ethics Commission and is not
12 subject to the jurisdiction of the Legislative Ethics
13 Commission.

14 (e) The Legislative Ethics Commission must meet, either in
15 person or by other technological means, monthly or as often as
16 necessary. At the first meeting of the Legislative Ethics
17 Commission, the commissioners shall choose from their number a
18 chairperson and other officers that they deem appropriate. The
19 terms of officers shall be for 2 years commencing July 1 and
20 running through June 30 of the second following year. Meetings
21 shall be held at the call of the chairperson or any 3
22 commissioners. Official action by the Commission shall require
23 the affirmative vote of 5 commissioners, and a quorum shall
24 consist of 5 commissioners. Commissioners shall receive no
25 compensation but may be reimbursed for their reasonable
26 expenses actually incurred in the performance of their duties.

1 (f) No commissioner, other than a commissioner who is a
2 member of the General Assembly, or employee of the Legislative
3 Ethics Commission may during his or her term of appointment or
4 employment:

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

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

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

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

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

17 (h) The Legislative Ethics Commission shall appoint an
18 Executive Director subject to the approval of at least 3 of the
19 4 legislative leaders. The compensation of the Executive
20 Director shall be as determined by the Commission. The
21 Executive Director of the Legislative Ethics Commission may
22 employ, subject to the approval of at least 3 of the 4
23 legislative leaders, and determine the compensation of staff,
24 as appropriations permit.

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

1 (5 ILCS 430/25-10)

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

3 (a) The independent Office of the Legislative Inspector
4 General is created. The Office shall be under the direction and
5 supervision of the Legislative Inspector General and shall be a
6 fully independent office with its own appropriation.

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

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

1 The Legislative Inspector General shall have the following
2 qualifications:

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

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

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

15 The Legislative Inspector General may not be a relative of
16 a commissioner.

17 The term of the initial Legislative Inspector General shall
18 commence upon qualification and shall run through June 30,
19 2008.

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

25 A vacancy occurring other than at the end of a term shall
26 be filled in the same manner as an appointment only for the

1 balance of the term of the Legislative Inspector General whose
2 office is vacant. If the Office is vacant, or if a Legislative
3 Inspector General resigns, the Commission shall designate an
4 Acting Legislative Inspector General who shall serve until the
5 vacancy is filled. The Commission shall file the designation in
6 writing with the Secretary of State.

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

9 (c) The Legislative Inspector General shall have
10 jurisdiction over current and former ~~the~~ members of the General
11 Assembly regarding events occurring during a member's term of
12 office, and current and former ~~all~~ State employees regarding
13 events occurring during any period of employment where the
14 State employee's ~~whose~~ ultimate jurisdictional authority is
15 (i) a legislative leader, (ii) the Senate Operations
16 Commission, or (iii) the Joint Committee on Legislative Support
17 Services. The changes made to this Section by this amendatory
18 Act of the 100th General Assembly are declarative of existing
19 law and do not change the substantive operation of this
20 Section.

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

26 (d) The compensation of the Legislative Inspector General

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

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

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

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

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

21 (4) actively participate in any campaign for any
22 elective office.

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

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

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

5 (2) hold any elected public office; or

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

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

10 (f) The Commission may remove the Legislative Inspector
11 General only for cause. At the time of the removal, the
12 Commission must report to the General Assembly the
13 justification for the removal.

14 (Source: P.A. 98-631, eff. 5-29-14.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.