



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3161

Introduced 2/15/2018, by Sen. Karen McConnaughay - Michael Connelly

SYNOPSIS AS INTRODUCED:

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

Amends the State Officials and Employees Ethics Act. Provides that the Legislative Ethics Commission shall consist of 12 commissioners (currently, 8). Provides for the appointment of and requirements for members of the general public as commissioners. Provides that a person is not eligible to serve as a commissioner if that person, among other restrictions, was registered as a lobbyist within the preceding 10 years (currently, preceding 12 months) or is someone other than a member of the General Assembly who holds a partisan elected or political party office, or is an officer or employee of a political committee or political campaign. Provides that the minutes of meetings of the Legislative Ethics Commission shall become public on the Commission's website within 5 days after the Commission's approval. Provides that the Legislative Ethics Commission shall diligently search out qualified candidates for Legislative Inspector General and shall make recommendations to the General Assembly using a specified process. Provides that within 10 days of a vacancy or of the resignation of a Legislative Inspector General, the Commission shall designate an Acting Legislative Inspector General who shall serve until the vacancy is filled. Provides that if the Office of Legislative Inspector General is vacant for 6 months or more, all complaints for which the Legislative Inspector General would be responsible shall be directed to the Executive Inspector General for the Attorney General, and he or she shall have the authority to act as provided in specified provisions of the Act. Provides that if the Office is vacant, either the staff of the Office of the Inspector General or if there is no staff of the Office of the Inspector General, the Executive Director of the Legislative Ethics Commission shall, at each meeting of the Legislative Ethics Commission, report to the Commission, how many investigations are open and not yet completed and how many complaints or allegations have been submitted during the time of the vacancy. Makes conforming changes. Effective immediately.

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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 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 12 ~~9~~
10 commissioners appointed 3 ~~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) Each ~~The~~ appointing authority ~~authorities~~ shall
8 appoint no more than 2 commissioners who have experience
9 holding governmental office or employment and may appoint
10 commissioners who are members of the General Assembly as well
11 as commissioners from the general public. Each appointing
12 authority shall appoint at least one commissioner who is a
13 member of the general public who has not served as a State
14 officer, a State employee, or a member of the General Assembly
15 during the preceding 10 years. A commissioner who is a member
16 of the General Assembly must recuse himself or herself from
17 participating in any matter relating to any investigation or
18 proceeding in which he or she is the subject or in which he or
19 she is a witness or complainant. A person is not eligible to
20 serve as a commissioner if that person (i) has been convicted
21 of a felony or a crime of dishonesty or moral turpitude, (ii)
22 is, or was within the preceding 10 years ~~12 months~~, engaged in
23 activities that require registration under the Lobbyist
24 Registration Act, (iii) is a relative of the appointing
25 authority, ~~or~~ (iv) is a State officer or employee other than a
26 member of the General Assembly, or (v) is someone, other than a

1 member of the General Assembly, who holds a partisan elected or
2 political party office, or is an officer or employee of a
3 political committee or political campaign.

4 (d) The Legislative Ethics Commission shall have
5 jurisdiction over members of the General Assembly and all State
6 employees whose ultimate jurisdictional authority is (i) a
7 legislative leader, (ii) the Senate Operations Commission, or
8 (iii) the Joint Committee on Legislative Support Services. The
9 jurisdiction of the Commission is limited to matters arising
10 under this Act.

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

16 (e) The Legislative Ethics Commission must meet, either in
17 person or by other technological means, monthly or as often as
18 necessary. At the first meeting of the Legislative Ethics
19 Commission, the commissioners shall choose from their number a
20 chairperson and other officers that they deem appropriate. The
21 terms of officers shall be for 2 years commencing July 1 and
22 running through June 30 of the second following year. Meetings
23 shall be held at the call of the chairperson or any 5 ~~3~~
24 commissioners. Official action by the Commission shall require
25 the affirmative vote of 7 ~~5~~ commissioners, and a quorum shall
26 consist of 7 ~~5~~ commissioners. Commissioners shall receive no

1 compensation but may be reimbursed for their reasonable
2 expenses actually incurred in the performance of their duties.
3 Minutes of meetings of the Legislative Ethics Commission shall
4 be made public on the Commission website within 5 business days
5 of being approved by the Commission. Any information that is
6 required to be kept confidential by this Act shall be redacted
7 from the minutes that are made public.

8 (f) No commissioner, other than a commissioner who is a
9 member of the General Assembly, or employee of the Legislative
10 Ethics Commission may during his or her term of appointment or
11 employment:

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

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

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

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

23 (g) An appointing authority may remove a commissioner only
24 for cause.

25 (h) The Legislative Ethics Commission shall appoint an
26 Executive Director subject to the approval of at least 3 of the

1 4 legislative leaders. The compensation of the Executive
2 Director shall be as determined by the Commission. The
3 Executive Director of the Legislative Ethics Commission may
4 employ, subject to the approval of at least 3 of the 4
5 legislative leaders, and determine the compensation of staff,
6 as appropriations permit.

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

8 (5 ILCS 430/25-10)

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

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

14 (b) The Legislative Inspector General shall be appointed
15 without regard to political affiliation and solely on the basis
16 of integrity and demonstrated ability. The Legislative Ethics
17 Commission shall diligently search out qualified candidates
18 for Legislative Inspector General and shall make
19 recommendations to the General Assembly using the following
20 process:-

21 (1) No later than February 1 of the year that the
22 Legislative Inspector General's term ends or within 30 days
23 of the occurrence of a vacancy in the Office of the
24 Legislative Inspector General, the Legislative Ethics
25 Commission shall create a search committee comprised of 2

1 members. One member of the search committee shall be
2 selected by the 6 Commissioners appointed by the Democratic
3 leaders and one member of the search committee shall be
4 selected by the 6 Commissioners appointed by the Republican
5 Leaders. A member of the search committee shall be either a
6 retired judge or a former prosecutor and may not be a
7 member or employee of the General Assembly or a registered
8 lobbyist.

9 (2) The search committee shall conduct a search for
10 qualified candidates to serve as the Inspector General,
11 shall accept applications, and shall conduct interviews.

12 (3) No later than April 15 of the year that the
13 Legislative Inspector General's term ends or within 45 days
14 of the creation of a search committee in the case of a
15 vacancy in the Office of the Legislative Inspector General,
16 the search committee shall forward the name of a
17 recommended candidate for Legislative Inspector General to
18 the Legislative Ethics Commission. The Legislative Ethics
19 Commission shall submit the candidate's name to the General
20 Assembly requesting appointment of the recommended
21 candidate.

22 The Legislative Inspector General shall be appointed by a
23 joint resolution of the Senate and the House of
24 Representatives, which may specify the date on which the
25 appointment takes effect. A joint resolution, or other document
26 as may be specified by the Joint Rules of the General Assembly,

1 appointing the Legislative Inspector General must be certified
2 by the Speaker of the House of Representatives and the
3 President of the Senate as having been adopted by the
4 affirmative vote of three-fifths of the members elected to each
5 house, respectively, and be filed with the Secretary of State.
6 The appointment of the Legislative Inspector General takes
7 effect on the day the appointment is completed by the General
8 Assembly, unless the appointment specifies a later date on
9 which it is to become effective.

10 The Legislative Inspector General shall have the following
11 qualifications:

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

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

16 (3) has 5 or more years of cumulative service (A) with
17 a federal, State, or local law enforcement agency, at least
18 2 years of which have been in a progressive investigatory
19 capacity; (B) as a federal, State, or local prosecutor; (C)
20 as a senior manager or executive of a federal, State, or
21 local agency; (D) as a member, an officer, or a State or
22 federal judge; or (E) representing any combination of (A)
23 through (D).

24 The Legislative Inspector General may not be a relative of
25 a commissioner.

26 The term of the initial Legislative Inspector General shall

1 commence upon qualification and shall run through June 30,
2 2008.

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

8 A vacancy occurring other than at the end of a term shall
9 be filled in the same manner as an appointment only for the
10 balance of the term of the Legislative Inspector General whose
11 office is vacant. Within 10 days of a vacancy or of the
12 resignation of a Legislative Inspector General ~~If the Office is~~
13 ~~vacant, or if a Legislative Inspector General resigns,~~ the
14 Commission shall designate an Acting Legislative Inspector
15 General who shall serve until the vacancy is filled. The
16 Commission shall file the designation in writing with the
17 Secretary of State. If the Office is vacant for 6 months or
18 more, all complaints for which the Legislative Inspector
19 General would be responsible shall be directed to the Executive
20 Inspector General for the Attorney General, and he or she shall
21 have the authority to act as provided in subsection (c) of this
22 Section and Section 25-20 of this Act. If the Office is vacant,
23 either the staff of the Office of the Inspector General or if
24 there is no staff of the Office of the Inspector General, the
25 Executive Director of the Legislative Ethics Commission shall,
26 at each meeting of the Legislative Ethics Commission, report to

1 the Commission, how many investigations are open and not yet
2 completed and how many complaints or allegations have been
3 submitted during the time of the vacancy.

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

6 (c) The Legislative Inspector General shall have
7 jurisdiction over the members of the General Assembly and all
8 State employees whose ultimate jurisdictional authority is (i)
9 a legislative leader, (ii) the Senate Operations Commission, or
10 (iii) the Joint Committee on Legislative Support Services.

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

16 (d) The compensation of the Legislative Inspector General
17 shall be the greater of an amount (i) determined by the
18 Commission or (ii) by joint resolution of the General Assembly
19 passed by a majority of members elected in each chamber.
20 Subject to Section 25-45 of this Act, the Legislative Inspector
21 General has full authority to organize the Office of the
22 Legislative Inspector General, including the employment and
23 determination of the compensation of staff, such as deputies,
24 assistants, and other employees, as appropriations permit.
25 Employment of staff is subject to the approval of at least 3 of
26 the 4 legislative leaders.

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. 98-631, eff. 5-29-14.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.