



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0092

Introduced 1/23/2019, by Sen. Chuck Weaver

SYNOPSIS AS INTRODUCED:

5 ILCS 430/25-5

Amends the State Officials and Employees Ethics Act. Removes provisions allowing for the appointment of members of the General Assembly to the Legislative Ethics Commission. Provides that the appointing authorities shall appoint commissioners from the general public who have experience holding governmental office or employment. Provides that a person is not eligible to serve as a commissioner if that person (i) has been convicted of a felony or a crime of dishonesty or moral turpitude; (ii) is, or was within the preceding 10 years, engaged in activities that require registration under the Lobbyist Registration Act; (iii) is related to the appointing authority; (iv) is or has been within the preceding 10 years a State officer, a State employee, or an employee or member of the General Assembly; or (v) holds a partisan elected or political party office, or is otherwise an officer or employee of a political committee or political campaign. Provides that no commissioner or employee of the Legislative Ethics Commission may, among other restrictions, be actively involved in the affairs of any political committee or political campaign. Makes conforming changes. Effective immediately.

LRB101 05067 RJF 50077 b

1 AN ACT concerning government.

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

4 Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Section 25-5 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 from the general public who have experience holding
9 governmental office or employment. A person is not eligible to
10 serve as a commissioner if that person (i) has been convicted
11 of a felony or a crime of dishonesty or moral turpitude; (ii)
12 is, or was within the preceding 10 years, engaged in activities
13 that require registration under the Lobbyist Registration Act;
14 (iii) is related to the appointing authority; (iv) is or has
15 been within the preceding 10 years a State officer, a State
16 employee, or an employee or member of the General Assembly; or
17 (v) holds a partisan elected or political party office, or is
18 otherwise an officer or employee of a political committee or
19 political campaign. The appointing authorities shall appoint
20 commissioners who have experience holding governmental office
21 or employment and may appoint commissioners who are members of
22 the General Assembly as well as commissioners from the general
23 public. A commissioner who is a member of the General Assembly
24 must recuse himself or herself from participating in any matter
25 relating to any investigation or proceeding in which he or she
26 is the subject or is a complainant. A person is not eligible to

1 ~~serve as a commissioner if that person (i) has been convicted~~
2 ~~of a felony or a crime of dishonesty or moral turpitude, (ii)~~
3 ~~is, or was within the preceding 12 months, engaged in~~
4 ~~activities that require registration under the Lobbyist~~
5 ~~Registration Act, (iii) is a relative of the appointing~~
6 ~~authority, (iv) is a State officer or employee other than a~~
7 ~~member of the General Assembly, or (v) is a candidate for~~
8 ~~statewide office, federal office, or judicial office.~~

9 (c-5) (Blank). ~~If a commissioner is required to recuse~~
10 ~~himself or herself from participating in a matter as provided~~
11 ~~in subsection (c), the recusal shall create a temporary vacancy~~
12 ~~for the limited purpose of consideration of the matter for~~
13 ~~which the commissioner recused himself or herself, and the~~
14 ~~appointing authority for the recusing commissioner shall make a~~
15 ~~temporary appointment to fill the vacancy for consideration of~~
16 ~~the matter for which the commissioner recused himself or~~
17 ~~herself.~~

18 (d) The Legislative Ethics Commission shall have
19 jurisdiction over current and former members of the General
20 Assembly regarding events occurring during a member's term of
21 office and current and former State employees regarding events
22 occurring during any period of employment where the State
23 employee's ultimate jurisdictional authority is (i) a
24 legislative leader, (ii) the Senate Operations Commission, or
25 (iii) the Joint Committee on Legislative Support Services. The
26 jurisdiction of the Commission is limited to matters arising

1 under this Act.

2 An officer or executive branch State employee serving on a
3 legislative branch board or commission remains subject to the
4 jurisdiction of the Executive Ethics Commission and is not
5 subject to the jurisdiction of the Legislative Ethics
6 Commission.

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

20 (f) No commissioner, ~~other than a commissioner who is a~~
21 ~~member of the General Assembly,~~ or employee of the Legislative
22 Ethics Commission may during his or her term of appointment or
23 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, political
5 committee, or political campaign; or

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

9 (f-5) (Blank). ~~No commissioner who is a member of the~~
10 ~~General Assembly may be a candidate for statewide office,~~
11 ~~federal office, or judicial office. If a commissioner who is a~~
12 ~~member of the General Assembly files petitions to be a~~
13 ~~candidate for a statewide office, federal office, or judicial~~
14 ~~office, he or she shall be deemed to have resigned from his or~~
15 ~~her position as a commissioner on the date his or her name is~~
16 ~~certified for the ballot by the State Board of Elections or~~
17 ~~local election authority and his or position as a commissioner~~
18 ~~shall be deemed vacant. Such person may not be reappointed to~~
19 ~~the Commission during any time he or she is a candidate for~~
20 ~~statewide office, federal office, or judicial office.~~

21 (g) An appointing authority may remove a commissioner only
22 for cause.

23 (h) The Legislative Ethics Commission shall appoint an
24 Executive Director subject to the approval of at least 3 of the
25 4 legislative leaders. The compensation of the Executive
26 Director shall be as determined by the Commission. The

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

5 (i) In consultation with the Legislative Inspector
6 General, the Legislative Ethics Commission may develop
7 comprehensive training for members and employees under its
8 jurisdiction that includes, but is not limited to, sexual
9 harassment, employment discrimination, and workplace civility.
10 The training may be recommended to the ultimate jurisdictional
11 authorities and may be approved by the Commission to satisfy
12 the sexual harassment training required under Section 5-10.5 or
13 be provided in addition to the annual sexual harassment
14 training required under Section 5-10.5. The Commission may seek
15 input from governmental agencies or private entities for
16 guidance in developing such training.

17 (Source: P.A. 100-588, eff. 6-8-18; revised 10-11-18.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.