

SB3461



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3461

Introduced 2/14/2020, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

5 ILCS 430/25-5

Amends the State Officials and Employees Ethics Act. Provides that the terms of commissioners of the Legislative Ethics Commission serving on the Commission prior to January 1, 2021 shall be terminated on December 31, 2020. Provides for the appointment of new commissioners to the Legislative Ethics Commission on and after January 1, 2021. Provides for the appointment of 10 commissioners (currently, 8). Provides further appointment and eligibility requirements. Makes conforming and other changes.

LRB101 20198 RJF 69738 b

A BILL FOR

1 AN ACT concerning ethics.

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 terms of commissioners of the Legislative Ethics
10 Commission serving on the Commission prior to January 1, 2021
11 shall be terminated on December 31, 2020. Beginning on and
12 after January 1, 2021, commissioners shall be appointed as
13 provided under subsection (b-5). ~~The Legislative Ethics~~
14 ~~Commission shall consist of 8 commissioners appointed 2 each by~~
15 ~~the President and Minority Leader of the Senate and the Speaker~~
16 ~~and Minority Leader of the House of Representatives.~~

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

1 ~~After the initial terms, commissioners shall serve for~~
2 ~~4-year terms commencing on July 1 of the year of appointment~~
3 ~~and running through June 30 of the fourth following year.~~
4 ~~Commissioners may be reappointed to one or more subsequent~~
5 ~~terms.~~

6 (b-5) Beginning on and after January 1, 2021, the Chief
7 Justice of the Illinois Supreme Court and the most senior
8 Supreme Court Justice who is not elected from the same
9 political party as the Chief Justice shall select 10
10 commissioners to serve on the Commission. The commissioners
11 shall reflect the ethnic, gender, and racial demographics of
12 Illinois. Eight of the commissioners shall represent, in equal
13 number, the 2 political parties whose gubernatorial candidates
14 received the greatest number of votes in the last gubernatorial
15 election, and 2 of the commissioners shall represent neither of
16 those parties. The 2 Justices responsible for selecting the 10
17 commissioners shall consider party identification and all
18 campaign contributions in determining a potential
19 commissioner's eligibility. Appointees must be residents of
20 the State of Illinois. Commissioners shall serve for 6-year
21 terms.

22 Vacancies occurring other than at the end of a term shall
23 be filled by the appointing authority only for the balance of
24 the term of the commissioner whose office is vacant. Terms
25 shall run regardless of whether the position is filled.

26 Commissioners must file financial disclosure statements

1 and abide by any ethics requirements established by law during
2 his or her term of service on the Commission.

3 A commissioner is ineligible to serve in the General
4 Assembly or to be appointed to a position subject to Senate
5 confirmation for a period of 10 years after serving on the
6 Commission.

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 or is a complainant.~~ A person is not eligible to
15 serve as a commissioner if that person (i) has been convicted
16 of a felony or a crime of dishonesty or moral turpitude, (ii)
17 is, or was within the preceding 12 months, engaged in
18 activities that require registration under the Lobbyist
19 Registration Act, including lobbying State, federal, or local
20 government, (iii) is a relative of the appointing authority,
21 (iv) is a State, federal, or local government employee ~~is a~~
22 ~~State officer or employee other than a member of the General~~
23 ~~Assembly, or~~ (v) is a candidate for statewide office, federal
24 office, or judicial office, (vi) has an ownership interest in
25 an entity with a State, federal, or local government contract,
26 (vii) is appointed or elected to serve a political party, or

1 (viii) was, or has a spouse or immediate family member who was,
2 within the previous 4 calendar years appointed or elected to a
3 position with the State, federal, or local government.

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

13 (d) The Legislative Ethics Commission shall have
14 jurisdiction over current and former members of the General
15 Assembly regarding events occurring during a member's term of
16 office and current and former State employees regarding events
17 occurring during any period of employment where the State
18 employee's ultimate jurisdictional authority is (i) a
19 legislative leader, (ii) the Senate Operations Commission, or
20 (iii) the Joint Committee on Legislative Support Services. The
21 Legislative Ethics Commission shall have jurisdiction over
22 complainants and respondents in violation of subsection (d) of
23 Section 25-90. The jurisdiction of the Commission is limited to
24 matters arising under this Act.

25 An officer or executive branch State employee serving on a
26 legislative branch board or commission remains subject to the

1 jurisdiction of the Executive Ethics Commission and is not
2 subject to the jurisdiction of the Legislative Ethics
3 Commission.

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

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

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

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

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

1 political party or political organization; or

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

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

18 (g) An appointing authority may remove a commissioner only
19 for cause.

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

1 as appropriations permit.

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

14 (Source: P.A. 100-588, eff. 6-8-18; 101-81, eff. 7-12-19;
15 101-221, eff. 8-9-19; 101-617, eff. 12-20-19.)