



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB4014

Introduced 1/4/2021, by Sen. John F. Curran - Dan McConchie - Dale A. Righter - Jil Tracy, Paul Schimpf, et al.

SYNOPSIS AS INTRODUCED:

- 5 ILCS 430/25-5
- 5 ILCS 430/25-10
- 5 ILCS 430/25-15
- 5 ILCS 430/25-20

Amends the State Officials and Employees Ethics Act. Modifies requirements concerning the Legislative Ethics Commission and Commissioners thereof. Modifies requirements concerning the jurisdiction of the Legislative Inspector General. Modifies the duties of the Legislative Ethics Commission. Removes a provision requiring the Legislative Inspector General to obtain advance approval of the Commission to issue subpoenas. Makes conforming changes. Effective immediately.

LRB101 22330 RJF 73373 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 10. The State Officials and Employees Ethics Act is
5 amended by changing Sections 25-5, 25-10, 25-15, and 25-20 as
6 follows:

7 (5 ILCS 430/25-5)

8 Sec. 25-5. Legislative Ethics Commission.

9 (a) The Legislative Ethics Commission is created.

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

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

21 After the initial terms, commissioners shall serve for
22 4-year terms commencing on July 1 of the year of appointment
23 and running through June 30 of the fourth following year.

1 Commissioners may be reappointed to one or more subsequent
2 terms.

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

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

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

1 ~~is the subject or is a complainant. A person is not eligible to~~
2 ~~serve as a commissioner if that person (i) has been convicted~~
3 ~~of a felony or a crime of dishonesty or moral turpitude, (ii)~~
4 ~~is, or was within the preceding 12 months, engaged in~~
5 ~~activities that require registration under the Lobbyist~~
6 ~~Registration Act, (iii) is a relative of the appointing~~
7 ~~authority, (iv) is a State officer or employee other than a~~
8 ~~member of the General Assembly, or (v) is a candidate for~~
9 ~~statewide office, federal office, or judicial office.~~

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

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

1 Legislative Ethics Commission shall have jurisdiction over
2 complainants and respondents in violation of subsection (d) of
3 Section 25-90. The jurisdiction of the Commission is limited to
4 matters arising under this Act and the Illinois Governmental
5 Ethics Act.

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

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

24 (f) No commissioner, ~~other than a commissioner who is a~~
25 ~~member of the General Assembly,~~ or employee of the Legislative
26 Ethics Commission may during his or her term of appointment or

1 employment:

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

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

7 (3) be actively involved in the affairs of any
8 political party, ~~or~~ political organization, political
9 committee, or political campaign; or

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

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

25 (g) An appointing authority may remove a commissioner only
26 for cause.

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

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

21 (Source: P.A. 100-588, eff. 6-8-18; 101-81, eff. 7-12-19;
22 101-221, eff. 8-9-19; 101-617, eff. 12-20-19.)

23 (5 ILCS 430/25-10)

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

25 (a) The independent Office of the Legislative Inspector

1 General is created. The Office shall be under the direction and
2 supervision of the Legislative Inspector General and shall be a
3 fully independent office with its own appropriation.

4 (b) The Legislative Inspector General shall be appointed
5 without regard to political affiliation and solely on the basis
6 of integrity and demonstrated ability. The Legislative Ethics
7 Commission shall diligently search out qualified candidates
8 for Legislative Inspector General and shall make
9 recommendations to the General Assembly. The Legislative
10 Inspector General may serve in a full-time, part-time, or
11 contractual capacity.

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

26 The Legislative Inspector General shall have the following

1 qualifications:

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

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

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

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

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

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

25 (b-5) A vacancy occurring other than at the end of a term
26 shall be filled in the same manner as an appointment only for

1 the balance of the term of the Legislative Inspector General
2 whose office is vacant. Within 7 days of the Office becoming
3 vacant or receipt of a Legislative Inspector General's
4 prospective resignation, the vacancy shall be publicly posted
5 on the Commission's website, along with a description of the
6 requirements for the position and where applicants may apply.

7 Within 45 days of the vacancy, the Commission shall
8 designate an Acting Legislative Inspector General who shall
9 serve until the vacancy is filled. The Commission shall file
10 the designation in writing with the Secretary of State.

11 Within 60 days prior to the end of the term of the
12 Legislative Inspector General or within 30 days of the
13 occurrence of a vacancy in the Office of the Legislative
14 Inspector General, the Legislative Ethics Commission shall
15 establish a four-member search committee within the Commission
16 for the purpose of conducting a search for qualified candidates
17 to serve as Legislative Inspector General. The Speaker of the
18 House of Representatives, Minority Leader of the House, Senate
19 President, and Minority Leader of the Senate shall each appoint
20 one member to the search committee. A member of the search
21 committee shall be either a retired judge or former prosecutor
22 and may not be a member or employee of the General Assembly or
23 a registered lobbyist. If the Legislative Ethics Commission
24 wishes to recommend that the Legislative Inspector General be
25 re-appointed, a search committee does not need to be appointed.

26 The search committee shall conduct a search for qualified

1 candidates, accept applications, and conduct interviews. The
2 search committee shall recommend up to 3 candidates for
3 Legislative Inspector General to the Legislative Ethics
4 Commission. The search committee shall be disbanded upon an
5 appointment of the Legislative Inspector General. Members of
6 the search committee are not entitled to compensation but shall
7 be entitled to reimbursement of reasonable expenses incurred in
8 connection with the performance of their duties.

9 Within 30 days after June 8, 2018 (the effective date of
10 Public Act 100-588) ~~this amendatory Act of the 100th General~~
11 ~~Assembly~~, the Legislative Ethics Commission shall create a
12 search committee in the manner provided for in this subsection
13 to recommend up to 3 candidates for Legislative Inspector
14 General to the Legislative Ethics Commission by October 31,
15 2018.

16 If a vacancy exists and the Commission has not appointed an
17 Acting Legislative Inspector General, either the staff of the
18 Office of the Legislative Inspector General, or if there is no
19 staff, the Executive Director, shall advise the Commission of
20 all open investigations and any new allegations or complaints
21 received in the Office of the Inspector General. These reports
22 shall not include the name of any person identified in the
23 allegation or complaint, including, but not limited to, the
24 subject of and the person filing the allegation or complaint.
25 Notification shall be made to the Commission on a weekly basis
26 unless the Commission approves of a different reporting

1 schedule.

2 If the Office of the Inspector General is vacant for 6
3 months or more beginning on or after January 1, 2019, and the
4 Legislative Ethics Commission has not appointed an Acting
5 Legislative Inspector General, all complaints made to the
6 Legislative Inspector General or the Legislative Ethics
7 Commission shall be directed to the Inspector General for the
8 Auditor General, and he or she shall have the authority to act
9 as provided in subsection (c) of this Section and Section 25-20
10 of this Act, and shall be subject to all laws and rules
11 governing a Legislative Inspector General or Acting
12 Legislative Inspector General. The authority for the Inspector
13 General of the Auditor General under this paragraph shall
14 terminate upon appointment of a Legislative Inspector General
15 or an Acting Legislative Inspector General.

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

24 The jurisdiction of each Legislative Inspector General is
25 to investigate allegations of fraud, waste, abuse,
26 mismanagement, misconduct, nonfeasance, misfeasance, or

1 malfeasance related to government service or employment, or
2 violations of this Act or violations of other related laws and
3 rules regarding events that are related to a person's
4 government service or employment.

5 The Legislative Inspector General shall have jurisdiction
6 over complainants in violation of subsection (e) of Section
7 25-63 of this Act.

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

19 (e) No Legislative Inspector General or employee of the
20 Office of the Legislative Inspector General may, during his or
21 her term of appointment or employment:

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

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

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

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

5 A full-time Legislative Inspector General shall not engage
6 in the practice of law or any other business, employment, or
7 vocation.

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 Legislative Inspector General or employee of the
13 Office of the Legislative 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 Legislative Ethics Commission.

21 (f) The Commission may remove the Legislative Inspector
22 General only for cause. At the time of the removal, the
23 Commission must report to the General Assembly the
24 justification for the removal.

25 (Source: P.A. 100-588, eff. 6-8-18; 101-221, eff. 8-9-19;
26 revised 9-12-19.)

1 (5 ILCS 430/25-15)

2 Sec. 25-15. Duties of the Legislative Ethics Commission.
3 In addition to duties otherwise assigned by law, the
4 Legislative Ethics Commission shall have the following duties:

5 (1) To promulgate rules governing the performance of
6 its duties and the exercise of its powers and governing the
7 investigations of the Legislative Inspector General;
8 except that, the Legislative Ethics Commission shall adopt
9 no rule requiring the Legislative Inspector General to seek
10 the Commission's advance approval before commencing any
11 investigation authorized under this Article or issuing a
12 subpoena under this Article. Any existing rule, as of the
13 effective date of this amendatory Act of the 101st General
14 Assembly, requiring the Legislative Inspector General to
15 seek the Commission's advance approval before commencing
16 any investigation or issuing a subpoena is void. The rules
17 shall be available on the Commission's website and any
18 proposed changes to the rules must be made available to the
19 public on the Commission's website no less than 7 days
20 before the adoption of the changes. Any person shall be
21 given an opportunity to provide written or oral testimony
22 before the Commission in support of or opposition to
23 proposed rules.

24 (2) To conduct administrative hearings and rule on
25 matters brought before the Commission only upon the receipt

1 of pleadings filed by the Legislative Inspector General and
2 not upon its own prerogative, but may appoint special
3 Legislative Inspectors General as provided in Section
4 25-21. Any other allegations of misconduct received by the
5 Commission from a person other than the Legislative
6 Inspector General shall be referred to the Office of the
7 Legislative Inspector General.

8 (3) To prepare and publish manuals and guides and,
9 working with the Office of the Attorney General, oversee
10 training of employees under its jurisdiction that explains
11 their duties.

12 (4) To prepare public information materials to
13 facilitate compliance, implementation, and enforcement of
14 this Act.

15 (5) To submit reports as required by this Act.

16 (6) To the extent authorized by this Act, to make
17 rulings, issue recommendations, and impose administrative
18 fines, if appropriate, in connection with the
19 implementation and interpretation of this Act. The powers
20 and duties of the Commission are limited to matters clearly
21 within the purview of this Act.

22 (7) To issue subpoenas with respect to matters pending
23 before the Commission, ~~subject to the provisions of this~~
24 ~~Article and in the discretion of the Commission,~~ to compel
25 the attendance of witnesses for purposes of testimony and
26 the production of documents and other items for inspection

1 and copying.

2 (8) To appoint special Legislative Inspectors General
3 as provided in Section 25-21.

4 (9) To conspicuously display on the Commission's
5 website the procedures for reporting a violation of this
6 Act, including how to report violations via email or
7 online.

8 (10) To conspicuously display on the Commission's
9 website any vacancies within the Office of the Legislative
10 Inspector General.

11 (11) To appoint an Acting Legislative Inspector
12 General in the event of a vacancy in the Office of the
13 Legislative Inspector General.

14 (Source: P.A. 100-554, eff. 11-16-17; 100-588, eff. 6-8-18.)

15 (5 ILCS 430/25-20)

16 Sec. 25-20. Duties of the Legislative Inspector General.
17 In addition to duties otherwise assigned by law, the
18 Legislative Inspector General shall have the following duties:

19 (1) To receive and investigate allegations of
20 violations of this Act. Except as otherwise provided in
21 paragraph (1.5), an investigation may not be initiated more
22 than one year after the most recent act of the alleged
23 violation or of a series of alleged violations except where
24 there is reasonable cause to believe that fraudulent
25 concealment has occurred. To constitute fraudulent

1 concealment sufficient to toll this limitations period,
2 there must be an affirmative act or representation
3 calculated to prevent discovery of the fact that a
4 violation has occurred. The Legislative Inspector General
5 shall have the discretion to determine the appropriate
6 means of investigation as permitted by law.

7 (1.5) Notwithstanding any provision of law to the
8 contrary, the Legislative Inspector General, whether
9 appointed by the Legislative Ethics Commission or the
10 General Assembly, may initiate an investigation based on
11 information provided to the Office of the Legislative
12 Inspector General or the Legislative Ethics Commission
13 during the period from December 1, 2014 through November 3,
14 2017. Any investigation initiated under this paragraph
15 (1.5) must be initiated within one year after the effective
16 date of this amendatory Act of the 100th General Assembly.

17 Notwithstanding any provision of law to the contrary,
18 the Legislative Inspector General, through the Attorney
19 General, shall have the authority to file a complaint
20 related to any founded violations that occurred during the
21 period December 1, 2014 through November 3, 2017 to the
22 Legislative Ethics Commission, and the Commission shall
23 have jurisdiction to conduct administrative hearings
24 related to any pleadings filed by the Legislative Inspector
25 General, provided the complaint is filed with the
26 Commission no later than 6 months after the summary report

1 is provided to the Attorney General in accordance with
2 subsection (c) of Section 25-50.

3 (2) To request information relating to an
4 investigation from any person when the Legislative
5 Inspector General deems that information necessary in
6 conducting an investigation.

7 (3) To issue subpoenas, ~~with the advance approval of~~
8 ~~the Commission,~~ to compel the attendance of witnesses for
9 the purposes of testimony and production of documents and
10 other items for inspection and copying and to make service
11 of those subpoenas and subpoenas issued under item (7) of
12 Section 25-15.

13 (4) To submit reports as required by this Act.

14 (5) To file pleadings in the name of the Legislative
15 Inspector General with the Legislative Ethics Commission,
16 through the Attorney General, as provided in this Article
17 if the Attorney General finds that reasonable cause exists
18 to believe that a violation has occurred.

19 (6) To assist and coordinate the ethics officers for
20 State agencies under the jurisdiction of the Legislative
21 Inspector General and to work with those ethics officers.

22 (7) To participate in or conduct, when appropriate,
23 multi-jurisdictional investigations.

24 (8) To request, as the Legislative Inspector General
25 deems appropriate, from ethics officers of State agencies
26 under his or her jurisdiction, reports or information on

1 (i) the content of a State agency's ethics training program
2 and (ii) the percentage of new officers and employees who
3 have completed ethics training.

4 (9) To establish a policy that ensures the appropriate
5 handling and correct recording of all investigations of
6 allegations and to ensure that the policy is accessible via
7 the Internet in order that those seeking to report those
8 allegations are familiar with the process and that the
9 subjects of those allegations are treated fairly.

10 (10) To post information to the Legislative Inspector
11 General's website explaining to complainants and subjects
12 of an investigation the legal limitations on the
13 Legislative Inspector General's ability to provide
14 information to them and a general overview of the
15 investigation process.

16 (Source: P.A. 100-553, eff. 11-16-17; 100-588, eff. 6-8-18.)

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