



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3546

Introduced 2/22/2021, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

5 ILCS 430/25-5
5 ILCS 430/25-20
5 ILCS 430/25-52

Amends the State Officials and Employees Ethics Act. Provides for the appointment of a 9th commissioner to the Legislative Ethics Commission. Allows the Legislative Inspector General to issue subpoenas without the advance approval of the Legislative Ethics Commission. Requires the Legislative Ethics Commission to make available to the public any summary report in which a subject of the report is a current or former member of the General Assembly, and the Legislative Inspector General found that reasonable cause exists to believe that a violation has occurred. Requires publicly available summary reports to be posted on the websites of the Legislative Ethics Commission and the Legislative Inspector General. Makes conforming changes.

LRB102 13496 RJF 18843 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 Sections 25-5, 25-20, and 25-52 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 9 ~~8~~
11 commissioners. Eight commissioners shall be appointed 2 each
12 by the President and Minority Leader of the Senate and the
13 Speaker and Minority Leader of the House of Representatives,
14 and one commissioner who shall not be a member of the General
15 Assembly and shall be agreed upon and appointed jointly by the
16 Speaker of the House of Representatives and the President of
17 the Senate.

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

1 60 days after the effective date of this Act.

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

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

10 Terms shall run regardless of whether the position is
11 filled.

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

1 candidate for statewide office, federal office, or judicial
2 office.

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

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

24 An officer or executive branch State employee serving on a
25 legislative branch board or commission remains subject to the
26 jurisdiction of the Executive Ethics Commission and is not

1 subject to the jurisdiction of the Legislative Ethics
2 Commission.

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

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

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

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

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

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

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

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

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

26 (i) In consultation with the Legislative Inspector

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

12 (Source: P.A. 100-588, eff. 6-8-18; 101-81, eff. 7-12-19;
13 101-221, eff. 8-9-19; 101-617, eff. 12-20-19.)

14 (5 ILCS 430/25-20)

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

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

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

6 (1.5) Notwithstanding any provision of law to the
7 contrary, the Legislative Inspector General, whether
8 appointed by the Legislative Ethics Commission or the
9 General Assembly, may initiate an investigation based on
10 information provided to the Office of the Legislative
11 Inspector General or the Legislative Ethics Commission
12 during the period from December 1, 2014 through November
13 3, 2017. Any investigation initiated under this paragraph
14 (1.5) must be initiated within one year after the
15 effective date of this amendatory Act of the 100th General
16 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
25 Inspector General, provided the complaint is filed with
26 the Commission no later than 6 months after the summary

1 report is provided to the Attorney General in accordance
2 with 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
2 program and (ii) the percentage of new officers and
3 employees who 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
7 via the Internet in order that those seeking to report
8 those allegations are familiar with the process and that
9 the 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 (5 ILCS 430/25-52)

18 Sec. 25-52. Release of summary reports.

19 (a) Within 60 days after receipt of a summary report and
20 response from the ultimate jurisdictional authority or agency
21 head that resulted in a suspension of at least 3 days or
22 termination of employment, the Legislative Ethics Commission
23 shall make available to the public the report and response or a
24 redacted version of the report and response. The Legislative
25 Ethics Commission shall also make available to the public any

1 summary report in which a subject of the report is a current or
2 former member of the General Assembly, and the Legislative
3 Inspector General found that reasonable cause exists to
4 believe that a violation has occurred. The Legislative Ethics
5 Commission may make available to the public any other summary
6 report and response of the ultimate jurisdictional authority
7 or agency head or a redacted version of the report and
8 response. Publicly available summary reports shall be posted
9 on the websites of the Legislative Ethics Commission and the
10 Legislative Inspector General.

11 (b) The Legislative Ethics Commission shall redact
12 information in the summary report that may reveal the identity
13 of witnesses, complainants, or informants or if the Commission
14 determines it is appropriate to protect the identity of a
15 person before publication. The Commission may also redact any
16 information it believes should not be made public. Prior to
17 publication, the Commission shall permit the respondents,
18 Legislative Inspector General, and Attorney General to review
19 documents to be made public and offer suggestions for
20 redaction or provide a response that shall be made public with
21 the summary report.

22 (c) The Legislative Ethics Commission may withhold
23 publication of the report or response if the Legislative
24 Inspector General or Attorney General certifies that
25 publication will interfere with an ongoing investigation.

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