



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5499

Introduced 1/31/2022, by Rep. Lindsey LaPointe

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 that the appointing authorities of the Legislative Ethics Commission shall (rather than may) appoint at least one commissioner from the general public. Allows the Legislative Inspector General to issue subpoenas without the advance approval of the Commission. Provides that within 60 days after the Legislative Ethics Commission's receipt of a summary report and response from the ultimate jurisdictional authority or agency head that resulted in violations of the Act and other founded wrongful acts within Legislative Inspector General's jurisdiction, the Legislative Inspector General (rather than the Commission) shall make available to the public the report and response or a redacted version of the report and response. Provides that the Legislative Inspector General (rather than the Commission) may make available to the public any other summary report and response of the ultimate jurisdictional authority or agency head or a redacted version of the report and response without prior approval from the Commission. Provides that the Commission shall adopt no rule requiring the Legislative Inspector General to seek the Commission's advance approval before publishing summary reports. Provides for the redaction of summary reports by the Legislative Inspector General and related requirements. Makes conforming and other changes.

LRB102 25309 RJF 34583 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 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
20 60 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 A vacancy shall occur upon a commissioner's death,
4 resignation, removal, disqualification, termination of
5 legislative service in the house or caucus of the appointing
6 authority, or other inability to act. Vacancies occurring
7 other than at the end of a term shall be filled by the
8 appointing authority only for the balance of the term of the
9 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 may appoint commissioners who are members of the General
15 Assembly and each appointing authority shall appoint at least
16 one commissioner ~~as well as commissioners~~ from the general
17 public. A commissioner who is a member of the General Assembly
18 must recuse himself or herself from participating in any
19 matter relating to any investigation or proceeding in which he
20 or she is the subject or is a complainant. A person is not
21 eligible to serve as a commissioner if that person (i) has been
22 convicted of a felony or a crime of dishonesty or moral
23 turpitude, (ii) is, or was within the preceding 12 months,
24 engaged in activities that require registration under the
25 Lobbyist Registration Act, (iii) is a relative of the
26 appointing authority, (iv) is a State officer or employee

1 other than a member of the General Assembly, or (v) is a
2 candidate for statewide, federal, or judicial 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, federal, or
6 judicial office. If a commissioner who is a member of the
7 General Assembly files petitions to be a candidate for a
8 statewide, federal, or judicial office, he or she shall be
9 deemed to have resigned from his or her position as a
10 commissioner on the date his or her name is certified for the
11 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, federal, 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. 101-81, eff. 7-12-19; 101-221, eff. 8-9-19;
13 101-617, eff. 12-20-19; 102-664, eff. 1-1-22.)

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, without advance
19 approval of the Legislative Ethics Commission, allegations
20 of violations of this Act and other wrongful acts within
21 his or her jurisdiction based on a complaint. Except as
22 otherwise provided in paragraph (1.5), an investigation
23 may not be initiated more than one year after the alleged
24 wrongful act or the most recent act of a series of alleged
25 wrongful acts based on the same wrongful conduct except if

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

10 (1.5) Notwithstanding any provision of law to the
11 contrary, the Legislative Inspector General, whether
12 appointed by the Legislative Ethics Commission or the
13 General Assembly, may initiate an investigation based on
14 information provided to the Office of the Legislative
15 Inspector General or the Legislative Ethics Commission
16 during the period from December 1, 2014 through November
17 3, 2017. Any investigation initiated under this paragraph
18 (1.5) must be initiated within one year after the
19 effective date of this amendatory Act of the 100th General
20 Assembly.

21 Notwithstanding any provision of law to the contrary,
22 the Legislative Inspector General, through the Attorney
23 General, shall have the authority to file a complaint
24 related to any founded violations that occurred during the
25 period December 1, 2014 through November 3, 2017 to the
26 Legislative Ethics Commission, and the Commission shall

1 have jurisdiction to conduct administrative hearings
2 related to any pleadings filed by the Legislative
3 Inspector General, provided the complaint is filed with
4 the Commission no later than 6 months after the summary
5 report is provided to the Attorney General in accordance
6 with subsection (c) of Section 25-50.

7 (2) To request information relating to an
8 investigation from any person when the Legislative
9 Inspector General deems that information necessary in
10 conducting an investigation.

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

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

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

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

26 (7) To participate in or conduct, when appropriate,

1 multi-jurisdictional investigations.

2 (8) To request, as the Legislative Inspector General
3 deems appropriate, from ethics officers of State agencies
4 under his or her jurisdiction, reports or information on
5 (i) the content of a State agency's ethics training
6 program and (ii) the percentage of new officers and
7 employees who have completed ethics training.

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

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

20 (Source: P.A. 102-664, eff. 1-1-22.)

21 (5 ILCS 430/25-52)

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

23 (a) Within 60 days after the Legislative Ethics
24 Commission's receipt of a summary report and response from the
25 ultimate jurisdictional authority or agency head that resulted

1 in violations of this Act and other founded wrongful acts
2 within Legislative Inspector General's jurisdiction ~~a~~
3 ~~suspension of at least 3 days or termination of employment,~~
4 the Legislative Inspector General ~~Ethics Commission~~ shall make
5 available to the public the report and response or a redacted
6 version of the report and response. The Legislative Inspector
7 General ~~Ethics Commission~~ may make available to the public any
8 other summary report and response of the ultimate
9 jurisdictional authority or agency head or a redacted version
10 of the report and response without prior approval from the
11 Legislative Ethics Commission. The Legislative Ethics
12 Commission shall adopt no rule requiring the Legislative
13 Inspector General to seek the Commission's advance approval
14 before publishing summary reports authorized under this
15 Article. Any existing rule, as of the effective date of this
16 amendatory Act of the 102nd General Assembly, requiring the
17 Legislative Inspector General to seek the Commission's advance
18 approval before commencing any investigation is void.

19 (b) The Legislative Inspector General ~~Ethics Commission~~
20 shall redact information in the summary report that may reveal
21 the identity of witnesses, complainants, or informants or if
22 the Legislative Inspector General ~~Commission~~ determines it is
23 appropriate to protect the identity of a person before
24 publication. ~~The Commission may also redact any information it~~
25 ~~believes should not be made public.~~ Prior to publication, the
26 Legislative Inspector General ~~Commission~~ shall permit the

1 respondents, Legislative Ethics Commission ~~Inspector General~~,
2 and Attorney General to review documents to be made public and
3 offer suggestions for redaction or provide a response that
4 shall be made public with the summary report.

5 (c) The Legislative Ethics Commission may withhold
6 publication of the report or response if the Legislative
7 Inspector General or Attorney General certifies that
8 publication will interfere with an ongoing investigation.

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