



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2306

Introduced 2/14/2008, by Sen. Susan Garrett - Matt Murphy

SYNOPSIS AS INTRODUCED:

New Act

Creates the State Board Appointee Ethics Act. With respect to gubernatorial appointees to State boards, commissions, authorities, and task forces, prohibits them from holding 2 or more appointments simultaneously and from making campaign contributions to holders of and candidates for statewide and legislative offices and requires them to participate in exit interviews upon expiration or resignation of appointment. Provides for establishment and maintenance within the Office of the Governor of an Office of Boards and Commissions to recommend nominees for appointment and to maintain information on the Department of Central Management Services' website concerning appointment vacancies and the qualifications and partisan background of appointment nominees. Provides for the establishment and maintenance within the Office of the Attorney General of an Office of Independent Legal Advisor to Boards and Commissions to provide appointees with legal guidance concerning board issues and to provide new appointees with materials designed to ensure the highest ethical conduct.

LRB095 19277 JAM 45557 b

FISCAL NOTE ACT
MAY APPLY

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 1. Short title. This Act may be cited as the State
5 Board Appointee Ethics Act.

6 Section 5. Definitions. As used in this Act:

7 "Appointee" means a person appointed to a board by the
8 Governor, with or without Senate confirmation.

9 "Board" means a board, commission, authority, or task force
10 created by or pursuant to the Illinois Constitution, State law,
11 or executive order of the Governor.

12 "Contribution" is defined as provided in Section 9-1.4 of
13 the Election Code.

14 "State office" means the Governor, Lieutenant Governor,
15 Attorney General, Secretary of State, State Comptroller, State
16 Treasurer, State Senator, and State Representative.

17 Section 10. Contributions prohibited. During the period of
18 his or her appointment, an appointee shall not make a
19 contribution to the holder of or a candidate for a State office
20 or to a political committee organized by or authorized to be
21 organized by the holder of or a candidate for a State office.

22 The amount of any contribution made in violation of this

1 Section shall escheat to the State from the accepting
2 officeholder, candidate, or committee for deposit into the
3 State's general revenue fund.

4 For the purpose of this Section, a person's appointment
5 begins on the date the appointment becomes effective or, in the
6 case of an appointment requiring Senate confirmation, on the
7 date the Senate confirms the appointment.

8 Section 15. Simultaneous appointments prohibited.
9 Notwithstanding any law to the contrary, an appointee may not
10 serve, or be appointed for service, at the same time on more
11 than one board. An appointee who is in violation of this
12 Section must resign within 30 days after the effective date of
13 this Act from as many appointments as necessary to render the
14 appointee not in violation of this Section. An appointee who
15 fails to so resign from the necessary number of appointments
16 shall automatically be removed from all appointments.

17 Section 20. Office of Boards and Commissions.

18 (a) There shall be established and maintained within the
19 Office of the Governor an Office of Boards and Commissions.
20 Among other duties the Governor may assign, the Office shall
21 recommend to the Governor persons to serve as appointees and
22 shall provide the information necessary for posting on the
23 Internet as required by this Section.

24 The Governor shall appoint as executive director of the

1 Office of Boards and Commissions a person with demonstrated
2 experience in executive and board recruitment.

3 (b) From information provided by the Office of Boards and
4 Commissions, the Department of Central Management Services
5 shall maintain on its official website a searchable,
6 periodically updated, database of the following:

7 (1) Vacancies in board appointments and the
8 qualifications required for each vacant appointment.

9 (2) The name and address of each nominee to a board and
10 the nominee's background material, including without
11 limitation (i) the nominee's qualifications, (ii) the
12 nominee's voting record in the 2 most recent partisan
13 primary elections, and (iii) the recipient and dollar
14 amount of each of the nominee's contributions in the past 5
15 years to the holder of or candidate for a State office or a
16 political committee organized by or authorized to be
17 organized by the holder of or a candidate for a State
18 office.

19 The information required by this subsection with respect to
20 a nominee must be posted during the 60 days before the
21 appointment becomes effective or, in the case of an appointment
22 requiring Senate confirmation, during the 60 days before the
23 Senate votes upon the nomination. During the time the
24 information is posted, the public may submit to the Office of
25 Boards and Commissions written comments on a nominee's
26 qualifications and background material.

1 Section 25. Exit interview. Within 10 days after the
2 expiration or resignation of an appointment, the appointee must
3 participate in an exit interview conducted jointly by the
4 Office of Boards and Commissions and the Office of the
5 Governor's Executive Inspector General.

6 The exit interview shall be designed to:

7 (1) Give insight into the qualifications to seek in the
8 appointee's replacement.

9 (2) Solicit information about any possible ethics
10 issues within the appointee's board.

11 Section 30. Office of the Independent Legal Advisor to
12 Boards and Commissions.

13 (a) There shall be established and maintained within the
14 Office of the Attorney General an Office of the Independent
15 Legal Advisor to Boards and Commissions.

16 The Office shall be under the supervision of the
17 Independent Legal Advisor, who shall be appointed by the
18 Attorney General and approved by the affirmative vote of
19 two-thirds of the members elected to the Senate.

20 (b) Among other duties the Attorney General may assign, the
21 Office of the Independent Legal Advisor shall:

22 (1) Provide appointees with an independent source of
23 guidance on legal questions related to their boards.

24 (2) Distribute policies, procedures, and "best

1 practices" to new appointees to ensure that appointees
2 adhere to the highest standard of ethical conduct.

3 Section 35. Other laws. Nothing in this Act shall be
4 construed to limit or eliminate any restriction or requirement
5 of any other law with respect to the nomination, qualification,
6 appointment, or conduct of appointees.