

HB0201



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0201

Introduced 1/14/2009, by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

5 ILCS 430/20-5

Amends the State Officials and Employees Ethics Act. Makes a technical change in a Section concerning the Executive Ethics Commission.

LRB096 04279 JAM 14325 b

A BILL FOR

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 Section 20-5 as follows:

6 (5 ILCS 430/20-5)

7 Sec. 20-5. Executive Ethics Commission.

8 (a) The ~~The~~ Executive Ethics Commission is created.

9 (b) The Executive Ethics Commission shall consist of 9
10 commissioners. The Governor shall appoint 5 commissioners, and
11 the Attorney General, Secretary of State, Comptroller, and
12 Treasurer shall each appoint one commissioner. Appointments
13 shall be made by and with the advice and consent of the Senate
14 by three-fifths of the elected members concurring by record
15 vote. Any nomination not acted upon by the Senate within 60
16 session days of the receipt thereof shall be deemed to have
17 received the advice and consent of the Senate. If, during a
18 recess of the Senate, there is a vacancy in an office of
19 commissioner, the appointing authority shall make a temporary
20 appointment until the next meeting of the Senate when the
21 appointing authority shall make a nomination to fill that
22 office. No person rejected for an office of commissioner shall,
23 except by the Senate's request, be nominated again for that

1 office at the same session of the Senate or be appointed to
2 that office during a recess of that Senate. No more than 5
3 commissioners may be of the same political party.

4 The terms of the initial commissioners shall commence upon
5 qualification. Four initial appointees of the Governor, as
6 designated by the Governor, shall serve terms running through
7 June 30, 2007. One initial appointee of the Governor, as
8 designated by the Governor, and the initial appointees of the
9 Attorney General, Secretary of State, Comptroller, and
10 Treasurer shall serve terms running through June 30, 2008. The
11 initial appointments shall be made within 60 days after the
12 effective date of this Act.

13 After the initial terms, commissioners shall serve for
14 4-year terms commencing on July 1 of the year of appointment
15 and running through June 30 of the fourth following year.
16 Commissioners may be reappointed to one or more subsequent
17 terms.

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

21 Terms shall run regardless of whether the position is
22 filled.

23 (c) The appointing authorities shall appoint commissioners
24 who have experience holding governmental office or employment
25 and shall appoint commissioners from the general public. A
26 person is not eligible to serve as a commissioner if that

1 person (i) has been convicted of a felony or a crime of
2 dishonesty or moral turpitude, (ii) is, or was within the
3 preceding 12 months, engaged in activities that require
4 registration under the Lobbyist Registration Act, (iii) is
5 related to the appointing authority, or (iv) is a State officer
6 or employee.

7 (d) The Executive Ethics Commission shall have
8 jurisdiction over all officers and employees of State agencies
9 other than the General Assembly, the Senate, the House of
10 Representatives, the President and Minority Leader of the
11 Senate, the Speaker and Minority Leader of the House of
12 Representatives, the Senate Operations Commission, the
13 legislative support services agencies, and the Office of the
14 Auditor General. The jurisdiction of the Commission is limited
15 to matters arising under this Act.

16 (e) The Executive Ethics Commission must meet, either in
17 person or by other technological means, at least monthly and as
18 often as necessary. At the first meeting of the Executive
19 Ethics Commission, the commissioners shall choose from their
20 number a chairperson and other officers that they deem
21 appropriate. The terms of officers shall be for 2 years
22 commencing July 1 and running through June 30 of the second
23 following year. Meetings shall be held at the call of the
24 chairperson or any 3 commissioners. Official action by the
25 Commission shall require the affirmative vote of 5
26 commissioners, and a quorum shall consist of 5 commissioners.

1 Commissioners shall receive compensation in an amount equal to
2 the compensation of members of the State Board of Elections and
3 may be reimbursed for their reasonable expenses actually
4 incurred in the performance of their duties.

5 (f) No commissioner or employee of the Executive Ethics
6 Commission may during his or her term of appointment or
7 employment:

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

9 (2) hold any other elected or appointed public office
10 except for appointments on governmental advisory boards or
11 study commissions or as otherwise expressly authorized by
12 law;

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

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

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

19 (h) The Executive Ethics Commission shall appoint an
20 Executive Director. The compensation of the Executive Director
21 shall be as determined by the Commission or by the Compensation
22 Review Board, whichever amount is higher. The Executive
23 Director of the Executive Ethics Commission may employ and
24 determine the compensation of staff, as appropriations permit.

25 (Source: P.A. 93-617, eff. 12-9-03.)