

1 AN ACT concerning State 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 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 Executive Ethics Commission shall have
15 jurisdiction over all board members and employees of Regional
16 Transit Boards. The jurisdiction of the Commission is limited
17 to matters arising under this Act, except as provided in
18 subsection (d-5).

19 A member or legislative branch State employee serving on an
20 executive branch board or commission remains subject to the
21 jurisdiction of the Legislative Ethics Commission and is not
22 subject to the jurisdiction of the Executive Ethics Commission.

23 (d-5) The Executive Ethics Commission shall have
24 jurisdiction over all chief procurement officers and
25 procurement compliance monitors and their respective staffs.
26 The Executive Ethics Commission shall have jurisdiction over

1 any matters arising under the Illinois Procurement Code if the
2 Commission is given explicit authority in that Code.

3 (d-6) (1) The Executive Ethics Commission shall have
4 jurisdiction over the Illinois Power Agency and its staff. The
5 Director of the Agency shall be appointed by a majority of the
6 commissioners of the Executive Ethics Commission, subject to
7 Senate confirmation, for a term of 2 years, ~~provided that,~~
8 ~~notwithstanding any other provision of State law, the term of~~
9 ~~the Director holding the position on the effective date of this~~
10 ~~amendatory Act of the 97th General Assembly shall expire on~~
11 ~~December 31, 2013.~~ The Director is removable for cause by a
12 majority of the Commission upon a finding of neglect,
13 malfeasance, absence, or incompetence.

14 (2) In case of a vacancy in the office of Director of
15 the Illinois Power Agency during a recess of the Senate, the
16 Executive Ethics Commission may make a temporary appointment
17 until the next meeting of the Senate, at which time the
18 Executive Ethics Commission shall nominate some person to fill
19 the office, and any person so nominated who is confirmed by the
20 Senate shall hold office during the remainder of the term and
21 until his or her successor is appointed and qualified. Nothing
22 in this subsection shall prohibit the Executive Ethics
23 Commission from removing a temporary appointee or from
24 appointing a temporary appointee as the Director of the
25 Illinois Power Agency.

26 (3) Prior to June 1, 2012, the Executive Ethics

1 Commission may, until the Director of the Illinois Power Agency
2 is appointed and qualified or a temporary appointment is made
3 pursuant to paragraph (2) of this subsection, designate some
4 person as an acting Director to execute the powers and
5 discharge the duties vested by law in that Director. An acting
6 Director shall serve no later than 60 calendar days, or upon
7 the making of an appointment pursuant to paragraph (1) or (2)
8 of this subsection, whichever is earlier. Nothing in this
9 subsection shall prohibit the Executive Ethics Commission from
10 removing an acting Director or from appointing an acting
11 Director as the Director of the Illinois Power Agency.

12 (4) No person rejected by the Senate for the office of
13 Director of the Illinois Power Agency shall, except at the
14 Senate's request, be nominated again for that office at the
15 same session or be appointed to that office during a recess of
16 that Senate.

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

1 commissioners, and a quorum shall consist of 5 commissioners.
2 Commissioners shall receive compensation in an amount equal to
3 the compensation of members of the State Board of Elections and
4 may be reimbursed for their reasonable expenses actually
5 incurred in the performance of their duties.

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

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

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

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

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

19 (g) An appointing authority may remove a commissioner only
20 for cause.

21 (h) The Executive Ethics Commission shall appoint an
22 Executive Director. The compensation of the Executive Director
23 shall be as determined by the Commission. The Executive
24 Director of the Executive Ethics Commission may employ and
25 determine the compensation of staff, as appropriations permit.

26 (i) The Executive Ethics Commission shall appoint, by a

1 majority of the members appointed to the Commission, chief
2 procurement officers and procurement compliance monitors in
3 accordance with the provisions of the Illinois Procurement
4 Code. The compensation of a chief procurement officer and
5 procurement compliance monitor shall be determined by the
6 Commission.

7 (Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11;
8 97-618, eff. 10-26-11.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.