

SB0628



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0628

Introduced 2/24/2021, by Sen. John F. Curran

SYNOPSIS AS INTRODUCED:

5 ILCS 430/25-5
5 ILCS 430/25-10
5 ILCS 430/25-15
5 ILCS 430/25-20

Amends the State Officials and Employees Ethics Act. Modifies requirements concerning the Legislative Ethics Commission and Commissioners thereof. Modifies requirements concerning the jurisdiction of the Legislative Inspector General. Modifies the duties of the Legislative Ethics Commission. Removes a provision requiring the Legislative Inspector General to obtain advance approval of the Commission to issue subpoenas. Makes conforming changes. Effective immediately.

LRB102 13769 RJF 19119 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 10. The State Officials and Employees Ethics Act
5 is amended by changing Sections 25-5, 25-10, 25-15, and 25-20
6 as 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 Vacancies occurring other than at the end of a term shall
4 be filled by the appointing authority only for the balance of
5 the term of the commissioner whose office is vacant.

6 Terms shall run regardless of whether the position is
7 filled.

8 (c) The appointing authorities shall appoint commissioners
9 from the general public who have experience holding
10 governmental office or employment. A person is not eligible to
11 serve as a commissioner if that person (i) has been convicted
12 of a felony or a crime of dishonesty or moral turpitude; (ii)
13 is, or was within the preceding 10 years, engaged in
14 activities that require registration under the Lobbyist
15 Registration Act; (iii) is related to the appointing
16 authority; (iv) is or has been within the preceding 10 years a
17 State officer, a State employee, or an employee or member of
18 the General Assembly; or (v) holds a partisan elected or
19 political party office, or is otherwise an officer or employee
20 of a political committee or political campaign. The appointing
21 authorities shall appoint commissioners who have experience
22 holding governmental office or employment and may appoint
23 commissioners who are members of the General Assembly as well
24 as commissioners from the general public. A commissioner who
25 is a member of the General Assembly must recuse himself or
26 herself from participating in any matter relating to any

1 ~~investigation or proceeding in which he or she is the subject~~
2 ~~or is a complainant. A person is not eligible to serve as a~~
3 ~~commissioner if that person (i) has been convicted of a felony~~
4 ~~or a crime of dishonesty or moral turpitude, (ii) is, or was~~
5 ~~within the preceding 12 months, engaged in activities that~~
6 ~~require registration under the Lobbyist Registration Act,~~
7 ~~(iii) is a relative of the appointing authority, (iv) is a~~
8 ~~State officer or employee other than a member of the General~~
9 ~~Assembly, or (v) is a candidate for statewide office, federal~~
10 ~~office, or judicial office.~~

11 (c-5) If a commissioner is required to recuse himself or
12 herself from participating in a matter as provided in
13 subsection (c), the recusal shall create a temporary vacancy
14 for the limited purpose of consideration of the matter for
15 which the commissioner recused himself or herself, and the
16 appointing authority for the recusing commissioner shall make
17 a temporary appointment to fill the vacancy for consideration
18 of the matter for which the commissioner recused himself or
19 herself.

20 (d) The Legislative Ethics Commission shall have
21 jurisdiction over current and former members of the General
22 Assembly regarding events occurring during a member's term of
23 office and current and former State employees regarding events
24 occurring during any period of employment where the State
25 employee's ultimate jurisdictional authority is (i) a
26 legislative leader, (ii) the Senate Operations Commission, or

1 (iii) the Joint Committee on Legislative Support Services. The
2 Legislative Ethics Commission shall have jurisdiction over
3 complainants and respondents in violation of subsection (d) of
4 Section 25-90. The jurisdiction of the Commission is limited
5 to matters arising under this Act or the Illinois Governmental
6 Ethics Act.

7 An officer or executive branch State employee serving on a
8 legislative branch board or commission remains subject to the
9 jurisdiction of the Executive Ethics Commission and is not
10 subject to the jurisdiction of the Legislative Ethics
11 Commission.

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

25 (f) No commissioner, ~~other than a commissioner who is a~~
26 ~~member of the General Assembly,~~ or employee of the Legislative

1 Ethics Commission may during his or her term of appointment or
2 employment:

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

4 (2) hold any other elected or appointed public office
5 except for appointments on governmental advisory boards or
6 study commissions or as otherwise expressly authorized by
7 law;

8 (3) be actively involved in the affairs of any
9 political party, ~~or~~ political organization, political
10 committee, or political campaign; or

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

14 (f-5) No commissioner who is a member of the General
15 Assembly may be a candidate for statewide office, federal
16 office, or judicial office. If a commissioner who is a member
17 of the General Assembly files petitions to be a candidate for a
18 statewide office, federal office, or judicial office, he or
19 she shall be deemed to have resigned from his or her position
20 as a commissioner on the date his or her name is certified for
21 the ballot by the State Board of Elections or local election
22 authority and his or her position as a commissioner shall be
23 deemed vacant. Such person may not be reappointed to the
24 Commission during any time he or she is a candidate for
25 statewide office, federal office, or judicial office.

26 (g) An appointing authority may remove a commissioner only

1 for cause.

2 (h) The Legislative Ethics Commission shall appoint an
3 Executive Director subject to the approval of at least 3 of the
4 4 legislative leaders. The compensation of the Executive
5 Director shall be as determined by the Commission. The
6 Executive Director of the Legislative Ethics Commission may
7 employ, subject to the approval of at least 3 of the 4
8 legislative leaders, and determine the compensation of staff,
9 as appropriations permit.

10 (i) In consultation with the Legislative Inspector
11 General, the Legislative Ethics Commission may develop
12 comprehensive training for members and employees under its
13 jurisdiction that includes, but is not limited to, sexual
14 harassment, employment discrimination, and workplace civility.
15 The training may be recommended to the ultimate jurisdictional
16 authorities and may be approved by the Commission to satisfy
17 the sexual harassment training required under Section 5-10.5
18 or be provided in addition to the annual sexual harassment
19 training required under Section 5-10.5. The Commission may
20 seek input from governmental agencies or private entities for
21 guidance in developing such training.

22 (Source: P.A. 100-588, eff. 6-8-18; 101-81, eff. 7-12-19;
23 101-221, eff. 8-9-19; 101-617, eff. 12-20-19.)

24 (5 ILCS 430/25-10)

25 Sec. 25-10. Office of Legislative Inspector General.

1 (a) The independent Office of the Legislative Inspector
2 General is created. The Office shall be under the direction
3 and supervision of the Legislative Inspector General and shall
4 be a fully independent office with its own appropriation.

5 (b) The Legislative Inspector General shall be appointed
6 without regard to political affiliation and solely on the
7 basis of integrity and demonstrated ability. The Legislative
8 Ethics Commission shall diligently search out qualified
9 candidates for Legislative Inspector General and shall make
10 recommendations to the General Assembly. The Legislative
11 Inspector General may serve in a full-time, part-time, or
12 contractual capacity.

13 The Legislative Inspector General shall be appointed by a
14 joint resolution of the Senate and the House of
15 Representatives, which may specify the date on which the
16 appointment takes effect. A joint resolution, or other
17 document as may be specified by the Joint Rules of the General
18 Assembly, appointing the Legislative Inspector General must be
19 certified by the Speaker of the House of Representatives and
20 the President of the Senate as having been adopted by the
21 affirmative vote of three-fifths of the members elected to
22 each house, respectively, and be filed with the Secretary of
23 State. The appointment of the Legislative Inspector General
24 takes effect on the day the appointment is completed by the
25 General Assembly, unless the appointment specifies a later
26 date on which it is to become effective.

1 The Legislative Inspector General shall have the following
2 qualifications:

3 (1) has not been convicted of any felony under the
4 laws of this State, another state, or the United States;

5 (2) has earned a baccalaureate degree from an
6 institution of higher education; and

7 (3) has 5 or more years of cumulative service (A) with
8 a federal, State, or local law enforcement agency, at
9 least 2 years of which have been in a progressive
10 investigatory capacity; (B) as a federal, State, or local
11 prosecutor; (C) as a senior manager or executive of a
12 federal, State, or local agency; (D) as a member, an
13 officer, or a State or federal judge; or (E) representing
14 any combination of items (A) through (D).

15 The Legislative Inspector General may not be a relative of
16 a commissioner.

17 The term of the initial Legislative Inspector General
18 shall commence upon qualification and shall run through June
19 30, 2008.

20 After the initial term, the Legislative Inspector General
21 shall serve for 5-year terms commencing on July 1 of the year
22 of appointment and running through June 30 of the fifth
23 following year. The Legislative Inspector General may be
24 reappointed to one or more subsequent terms. Terms shall run
25 regardless of whether the position is filled.

26 (b-5) A vacancy occurring other than at the end of a term

1 shall be filled in the same manner as an appointment only for
2 the balance of the term of the Legislative Inspector General
3 whose office is vacant. Within 7 days of the Office becoming
4 vacant or receipt of a Legislative Inspector General's
5 prospective resignation, the vacancy shall be publicly posted
6 on the Commission's website, along with a description of the
7 requirements for the position and where applicants may apply.

8 Within 45 days of the vacancy, the Commission shall
9 designate an Acting Legislative Inspector General who shall
10 serve until the vacancy is filled. The Commission shall file
11 the designation in writing with the Secretary of State.

12 Within 60 days prior to the end of the term of the
13 Legislative Inspector General or within 30 days of the
14 occurrence of a vacancy in the Office of the Legislative
15 Inspector General, the Legislative Ethics Commission shall
16 establish a four-member search committee within the Commission
17 for the purpose of conducting a search for qualified
18 candidates to serve as Legislative Inspector General. The
19 Speaker of the House of Representatives, Minority Leader of
20 the House, Senate President, and Minority Leader of the Senate
21 shall each appoint one member to the search committee. A
22 member of the search committee shall be either a retired judge
23 or former prosecutor and may not be a member or employee of the
24 General Assembly or a registered lobbyist. If the Legislative
25 Ethics Commission wishes to recommend that the Legislative
26 Inspector General be re-appointed, a search committee does not

1 need to be appointed.

2 The search committee shall conduct a search for qualified
3 candidates, accept applications, and conduct interviews. The
4 search committee shall recommend up to 3 candidates for
5 Legislative Inspector General to the Legislative Ethics
6 Commission. The search committee shall be disbanded upon an
7 appointment of the Legislative Inspector General. Members of
8 the search committee are not entitled to compensation but
9 shall be entitled to reimbursement of reasonable expenses
10 incurred in connection with the performance of their duties.

11 Within 30 days after June 8, 2018 (the effective date of
12 Public Act 100-588) ~~this amendatory Act of the 100th General~~
13 ~~Assembly~~, the Legislative Ethics Commission shall create a
14 search committee in the manner provided for in this subsection
15 to recommend up to 3 candidates for Legislative Inspector
16 General to the Legislative Ethics Commission by October 31,
17 2018.

18 If a vacancy exists and the Commission has not appointed
19 an Acting Legislative Inspector General, either the staff of
20 the Office of the Legislative Inspector General, or if there
21 is no staff, the Executive Director, shall advise the
22 Commission of all open investigations and any new allegations
23 or complaints received in the Office of the Inspector General.
24 These reports shall not include the name of any person
25 identified in the allegation or complaint, including, but not
26 limited to, the subject of and the person filing the

1 allegation or complaint. Notification shall be made to the
2 Commission on a weekly basis unless the Commission approves of
3 a different reporting schedule.

4 If the Office of the Inspector General is vacant for 6
5 months or more beginning on or after January 1, 2019, and the
6 Legislative Ethics Commission has not appointed an Acting
7 Legislative Inspector General, all complaints made to the
8 Legislative Inspector General or the Legislative Ethics
9 Commission shall be directed to the Inspector General for the
10 Auditor General, and he or she shall have the authority to act
11 as provided in subsection (c) of this Section and Section
12 25-20 of this Act, and shall be subject to all laws and rules
13 governing a Legislative Inspector General or Acting
14 Legislative Inspector General. The authority for the Inspector
15 General of the Auditor General under this paragraph shall
16 terminate upon appointment of a Legislative Inspector General
17 or an Acting Legislative Inspector General.

18 (c) The Legislative Inspector General shall have
19 jurisdiction over the current and former members of the
20 General Assembly regarding events occurring during a member's
21 term of office and current and former State employees
22 regarding events occurring during any period of employment
23 where the State employee's ultimate jurisdictional authority
24 is (i) a legislative leader, (ii) the Senate Operations
25 Commission, or (iii) the Joint Committee on Legislative
26 Support Services.

1 The jurisdiction of each Legislative Inspector General is
2 to investigate allegations of fraud, waste, abuse,
3 mismanagement, misconduct, nonfeasance, misfeasance, or
4 malfeasance related to government service or employment, or
5 violations of this Act or violations of other related laws and
6 rules regarding events that are related to a person's
7 government service or employment.

8 The Legislative Inspector General shall have jurisdiction
9 over complainants in violation of subsection (e) of Section
10 25-63 of this Act.

11 (d) The compensation of the Legislative Inspector General
12 shall be the greater of an amount ~~(i)~~ determined (i) by the
13 Commission or (ii) by joint resolution of the General Assembly
14 passed by a majority of members elected in each chamber.
15 Subject to Section 25-45 of this Act, the Legislative
16 Inspector General has full authority to organize the Office of
17 the Legislative Inspector General, including the employment
18 and determination of the compensation of staff, such as
19 deputies, assistants, and other employees, as appropriations
20 permit. Employment of staff is subject to the approval of at
21 least 3 of the 4 legislative leaders.

22 (e) No Legislative Inspector General or employee of the
23 Office of the Legislative Inspector General may, during his or
24 her term of appointment or employment:

- 25 (1) become a candidate for any elective office;
- 26 (2) hold any other elected or appointed public office

1 except for appointments on governmental advisory boards or
2 study commissions or as otherwise expressly authorized by
3 law;

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

6 (4) actively participate in any campaign for any
7 elective office.

8 A full-time Legislative Inspector General shall not engage
9 in the practice of law or any other business, employment, or
10 vocation.

11 In this subsection an appointed public office means a
12 position authorized by law that is filled by an appointing
13 authority as provided by law and does not include employment
14 by hiring in the ordinary course of business.

15 (e-1) No Legislative Inspector General or employee of the
16 Office of the Legislative Inspector General may, for one year
17 after the termination of his or her appointment or employment:

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

19 (2) hold any elected public office; or

20 (3) hold any appointed State, county, or local
21 judicial office.

22 (e-2) The requirements of item (3) of subsection (e-1) may
23 be waived by the Legislative Ethics Commission.

24 (f) The Commission may remove the Legislative Inspector
25 General only for cause. At the time of the removal, the
26 Commission must report to the General Assembly the

1 justification for the removal.

2 (Source: P.A. 100-588, eff. 6-8-18; 101-221, eff. 8-9-19;
3 revised 9-12-19.)

4 (5 ILCS 430/25-15)

5 Sec. 25-15. Duties of the Legislative Ethics Commission.
6 In addition to duties otherwise assigned by law, the
7 Legislative Ethics Commission shall have the following duties:

8 (1) To promulgate rules governing the performance of
9 its duties and the exercise of its powers and governing
10 the investigations of the Legislative Inspector General;
11 except that, the Legislative Ethics Commission shall adopt
12 no rule requiring the Legislative Inspector General to
13 seek the Commission's advance approval before commencing
14 any investigation authorized under this Article or issuing
15 a subpoena under this Article. Any existing rule, as of
16 the effective date of this amendatory Act of the 102nd
17 General Assembly, requiring the Legislative Inspector
18 General to seek the Commission's advance approval before
19 commencing any investigation or issuing a subpoena is
20 void. The rules shall be available on the Commission's
21 website and any proposed changes to the rules must be made
22 available to the public on the Commission's website no
23 less than 7 days before the adoption of the changes. Any
24 person shall be given an opportunity to provide written or
25 oral testimony before the Commission in support of or

1 opposition to proposed rules.

2 (2) To conduct administrative hearings and rule on
3 matters brought before the Commission only upon the
4 receipt of pleadings filed by the Legislative Inspector
5 General and not upon its own prerogative, but may appoint
6 special Legislative Inspectors General as provided in
7 Section 25-21. Any other allegations of misconduct
8 received by the Commission from a person other than the
9 Legislative Inspector General shall be referred to the
10 Office of the Legislative Inspector General.

11 (3) To prepare and publish manuals and guides and,
12 working with the Office of the Attorney General, oversee
13 training of employees under its jurisdiction that explains
14 their duties.

15 (4) To prepare public information materials to
16 facilitate compliance, implementation, and enforcement of
17 this Act.

18 (5) To submit reports as required by this Act.

19 (6) To the extent authorized by this Act, to make
20 rulings, issue recommendations, and impose administrative
21 fines, if appropriate, in connection with the
22 implementation and interpretation of this Act. The powers
23 and duties of the Commission are limited to matters
24 clearly within the purview of this Act.

25 (7) To issue subpoenas with respect to matters pending
26 before the Commission, ~~subject to the provisions of this~~

1 ~~Article and in the discretion of the Commission,~~ to compel
2 the attendance of witnesses for purposes of testimony and
3 the production of documents and other items for inspection
4 and copying.

5 (8) To appoint special Legislative Inspectors General
6 as provided in Section 25-21.

7 (9) To conspicuously display on the Commission's
8 website the procedures for reporting a violation of this
9 Act, including how to report violations via email or
10 online.

11 (10) To conspicuously display on the Commission's
12 website any vacancies within the Office of the Legislative
13 Inspector General.

14 (11) To appoint an Acting Legislative Inspector
15 General in the event of a vacancy in the Office of the
16 Legislative Inspector General.

17 (Source: P.A. 100-554, eff. 11-16-17; 100-588, eff. 6-8-18.)

18 (5 ILCS 430/25-20)

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

22 (1) To receive and investigate allegations of
23 violations of this Act. Except as otherwise provided in
24 paragraph (1.5), an investigation may not be initiated
25 more than one year after the most recent act of the alleged

1 violation or of a series of alleged violations except
2 where there is reasonable cause to believe that fraudulent
3 concealment has occurred. To constitute fraudulent
4 concealment sufficient to toll this limitations period,
5 there must be an affirmative act or representation
6 calculated to prevent discovery of the fact that a
7 violation has occurred. The Legislative Inspector General
8 shall have the discretion to determine the appropriate
9 means of investigation as 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. 100-553, eff. 11-16-17; 100-588, eff. 6-8-18.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.