



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2533

Introduced 2/26/2021, by Sen. Melinda Bush

SYNOPSIS AS INTRODUCED:

5 ILCS 430/25-5
5 ILCS 430/25-15
5 ILCS 430/25-52

Amends the State Officials and Employees Ethics Act. Requires the appointment of at least one member of the general public to the Legislative Ethics Commission. Provides that the Legislative Ethics Commission shall adopt no rule requiring the Legislative Inspector General to seek the Commission's advance approval before commencing an investigation. Provides that within 60 days after receipt of a summary report and response from the ultimate jurisdictional authority or agency head that resulted in the subject of the investigation being found guilty of allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violations of the Act, or violations of other related laws and rules, the Legislative Inspector General (currently, Legislative Ethics Commission) shall make available to the public the report and response or a redacted version of the report and response. Allows the Legislative Inspector General to 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 Legislative Ethics Commission. Makes conforming changes.

LRB102 10295 RJF 15622 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, 25-15, 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 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 who have experience holding governmental office or employment
10 and shall each appoint at least one commissioner of the
11 general public and may appoint commissioners who are members
12 of the General Assembly ~~as well as commissioners from the~~
13 ~~general public~~. A commissioner who is a member of the General
14 Assembly must recuse himself or herself from participating in
15 any matter relating to any investigation or proceeding in
16 which he or she is the subject or is a complainant. A person is
17 not eligible to serve as a commissioner if that person (i) has
18 been convicted of a felony or a crime of dishonesty or moral
19 turpitude, (ii) is, or was within the preceding 12 months,
20 engaged in activities that require registration under the
21 Lobbyist Registration Act, (iii) is a relative of the
22 appointing authority, (iv) is a State officer or employee
23 other than a member of the General Assembly, or (v) is a
24 candidate for statewide office, federal office, or judicial
25 office.

26 (c-5) If a commissioner is required to recuse himself or

1 herself from participating in a matter as provided in
2 subsection (c), the recusal shall create a temporary vacancy
3 for the limited purpose of consideration of the matter for
4 which the commissioner recused himself or herself, and the
5 appointing authority for the recusing commissioner shall make
6 a temporary appointment to fill the vacancy for consideration
7 of the matter for which the commissioner recused himself or
8 herself.

9 (d) The Legislative Ethics Commission shall have
10 jurisdiction over current and former members of the General
11 Assembly regarding events occurring during a member's term of
12 office and current and former State employees regarding events
13 occurring during any period of employment where the State
14 employee's ultimate jurisdictional authority is (i) a
15 legislative leader, (ii) the Senate Operations Commission, or
16 (iii) the Joint Committee on Legislative Support Services. The
17 Legislative Ethics Commission shall have jurisdiction over
18 complainants and respondents in violation of subsection (d) of
19 Section 25-90. The jurisdiction of the Commission is limited
20 to matters arising under this Act.

21 An officer or executive branch State employee serving on a
22 legislative branch board or commission remains subject to the
23 jurisdiction of the Executive Ethics Commission and is not
24 subject to the jurisdiction of the Legislative Ethics
25 Commission.

26 (e) The Legislative Ethics Commission must meet, either in

1 person or by other technological means, monthly or as often as
2 necessary. At the first meeting of the Legislative Ethics
3 Commission, the commissioners shall choose from their number a
4 chairperson and other officers that they deem appropriate. The
5 terms of officers shall be for 2 years commencing July 1 and
6 running through June 30 of the second following year. Meetings
7 shall be held at the call of the chairperson or any 3
8 commissioners. Official action by the Commission shall require
9 the affirmative vote of 5 commissioners, and a quorum shall
10 consist of 5 commissioners. Commissioners shall receive no
11 compensation but may be reimbursed for their reasonable
12 expenses actually incurred in the performance of their duties.

13 (f) No commissioner, other than a commissioner who is a
14 member of the General Assembly, or employee of the Legislative
15 Ethics Commission may during his or her term of appointment or
16 employment:

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

18 (2) hold any other elected or appointed public office
19 except for appointments on governmental advisory boards or
20 study commissions or as otherwise expressly authorized by
21 law;

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

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

1 (f-5) No commissioner who is a member of the General
2 Assembly may be a candidate for statewide office, federal
3 office, or judicial office. If a commissioner who is a member
4 of the General Assembly files petitions to be a candidate for a
5 statewide office, federal office, or judicial office, he or
6 she shall be deemed to have resigned from his or her position
7 as a commissioner on the date his or her name is certified for
8 the ballot by the State Board of Elections or local election
9 authority and his or her position as a commissioner shall be
10 deemed vacant. Such person may not be reappointed to the
11 Commission during any time he or she is a candidate for
12 statewide office, federal office, or judicial office.

13 (g) An appointing authority may remove a commissioner only
14 for cause.

15 (h) The Legislative Ethics Commission shall appoint an
16 Executive Director subject to the approval of at least 3 of the
17 4 legislative leaders. The compensation of the Executive
18 Director shall be as determined by the Commission. The
19 Executive Director of the Legislative Ethics Commission may
20 employ, subject to the approval of at least 3 of the 4
21 legislative leaders, and determine the compensation of staff,
22 as appropriations permit.

23 (i) In consultation with the Legislative Inspector
24 General, the Legislative Ethics Commission may develop
25 comprehensive training for members and employees under its
26 jurisdiction that includes, but is not limited to, sexual

1 harassment, employment discrimination, and workplace civility.
2 The training may be recommended to the ultimate jurisdictional
3 authorities and may be approved by the Commission to satisfy
4 the sexual harassment training required under Section 5-10.5
5 or be provided in addition to the annual sexual harassment
6 training required under Section 5-10.5. The Commission may
7 seek input from governmental agencies or private entities for
8 guidance in developing such training.

9 (Source: P.A. 100-588, eff. 6-8-18; 101-81, eff. 7-12-19;
10 101-221, eff. 8-9-19; 101-617, eff. 12-20-19.)

11 (5 ILCS 430/25-15)

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

15 (1) To promulgate rules governing the performance of
16 its duties and the exercise of its powers and governing
17 the investigations of the Legislative Inspector General;
18 except that, the Legislative Ethics Commission shall adopt
19 no rule requiring the Legislative Inspector General to
20 seek the Commission's advance approval before commencing
21 any investigation authorized under this Article. Any
22 existing rule, as of the effective date of this amendatory
23 Act of the 102nd General Assembly, requiring the
24 Legislative Inspector General to seek the Commission's
25 advance approval before commencing any investigation is

1 void. The rules shall be available on the Commission's
2 website and any proposed changes to the rules must be made
3 available to the public on the Commission's website no
4 less than 7 days before the adoption of the changes. Any
5 person shall be given an opportunity to provide written or
6 oral testimony before the Commission in support of or
7 opposition to proposed rules.

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

17 (3) To prepare and publish manuals and guides and,
18 working with the Office of the Attorney General, oversee
19 training of employees under its jurisdiction that explains
20 their duties.

21 (4) To prepare public information materials to
22 facilitate compliance, implementation, and enforcement of
23 this Act.

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

25 (6) To the extent authorized by this Act, to make
26 rulings, issue recommendations, and impose administrative

1 fines, if appropriate, in connection with the
2 implementation and interpretation of this Act. The powers
3 and duties of the Commission are limited to matters
4 clearly within the purview of this Act.

5 (7) To issue subpoenas with respect to matters pending
6 before the Commission, subject to the provisions of this
7 Article and in the discretion of the Commission, to compel
8 the attendance of witnesses for purposes of testimony and
9 the production of documents and other items for inspection
10 and copying.

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

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

17 (10) To conspicuously display on the Commission's
18 website any vacancies within the Office of the Legislative
19 Inspector General.

20 (11) To appoint an Acting Legislative Inspector
21 General in the event of a vacancy in the Office of the
22 Legislative Inspector General.

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

24 (5 ILCS 430/25-52)

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

1 (a) Within 60 days after receipt of a summary report and
2 response from the ultimate jurisdictional authority or agency
3 head that resulted in the subject of the investigation being
4 found guilty of allegations of fraud, waste, abuse,
5 mismanagement, misconduct, nonfeasance, misfeasance,
6 malfeasance, or violations of this Act, or violations of other
7 related laws and rules ~~a suspension of at least 3 days or~~
8 ~~termination of employment,~~ the Legislative Inspector General
9 ~~Ethics Commission~~ shall make available to the public the
10 report and response or a redacted version of the report and
11 response. The Legislative Inspector General ~~Ethics Commission~~
12 may make available to the public any other summary report and
13 response of the ultimate jurisdictional authority or agency
14 head or a redacted version of the report and response without
15 prior approval from the Legislative Ethics Commission. The
16 Legislative Ethics Commission shall adopt no rule requiring
17 the Legislative Inspector General to seek the Commission's
18 advance approval before publishing summary reports authorized
19 under this Article. Any existing rule, as of the effective
20 date of this amendatory Act of the 102nd General Assembly,
21 requiring the Legislative Inspector General to seek the
22 Commission's advance approval before commencing any
23 investigation is void.

24 (b) The Legislative Ethics Commission shall redact
25 information in the summary report that may reveal the identity
26 of witnesses, complainants, or informants or if the Commission

1 determines it is appropriate to protect the identity of a
2 person before publication. The Commission may also redact any
3 information it believes should not be made public. Prior to
4 publication, the Commission shall permit the respondents,
5 Legislative Inspector General, and Attorney General to review
6 documents to be made public and offer suggestions for
7 redaction or provide a response that shall be made public with
8 the summary report.

9 (c) The Legislative Ethics Commission may withhold
10 publication of the report or response if the Legislative
11 Inspector General or Attorney General certifies that
12 publication will interfere with an ongoing investigation.

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