



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB2263

Introduced 11/7/2017, by Sen. Tim Bivins

#### SYNOPSIS AS INTRODUCED:

5 ILCS 430/25-5

Amends the State Officials and Employees Ethics Act. Removes provisions allowing for the appointment of members of the General Assembly to the Legislative Ethics Commission. Provides that the appointing authorities shall appoint commissioners from the general public who have experience holding governmental office or employment. Provides that a person is not eligible to serve as a commissioner if that person (i) has been convicted of a felony or a crime of dishonesty or moral turpitude; (ii) is, or was within the preceding 10 years, engaged in activities that require registration under the Lobbyist Registration Act; (iii) is related to the appointing authority; (iv) is or has been within the preceding 10 years a State officer, a State employee, or an employee or member of the General Assembly; or (v) holds a partisan elected or political party office, or is otherwise an officer or employee of a political committee or political campaign. Provides that no commissioner or employee of the Legislative Ethics Commission may, among other restrictions, be actively involved in the affairs of any political committee or political campaign. Makes conforming changes. Effective immediately.

LRB100 15533 RJF 30584 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 and 25-10 as follows:

6 (5 ILCS 430/25-5)

7 Sec. 25-5. Legislative Ethics Commission.

8 (a) The Legislative Ethics Commission is created.

9 (b) The Legislative Ethics Commission shall consist of 8  
10 commissioners appointed 2 each by the President and Minority  
11 Leader of the Senate and the Speaker and Minority Leader of the  
12 House of Representatives.

13 The terms of the initial commissioners shall commence upon  
14 qualification. Each appointing authority shall designate one  
15 appointee who shall serve for a 2-year term running through  
16 June 30, 2005. Each appointing authority shall designate one  
17 appointee who shall serve for a 4-year term running through  
18 June 30, 2007. The initial appointments shall be made within 60  
19 days after the effective date of this Act.

20 After the initial terms, commissioners shall serve for  
21 4-year terms commencing on July 1 of the year of appointment  
22 and running through June 30 of the fourth following year.  
23 Commissioners may be reappointed to one or more subsequent

1 terms.

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

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

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

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

8 (d) The Legislative Ethics Commission shall have  
9 jurisdiction over members of the General Assembly and all State  
10 employees whose ultimate jurisdictional authority is (i) a  
11 legislative leader, (ii) the Senate Operations Commission, or  
12 (iii) the Joint Committee on Legislative Support Services. The  
13 jurisdiction of the Commission is limited to matters arising  
14 under this Act.

15 An officer or executive branch State employee serving on a  
16 legislative branch board or commission remains subject to the  
17 jurisdiction of the Executive Ethics Commission and is not  
18 subject to the jurisdiction of the Legislative Ethics  
19 Commission.

20 (e) The Legislative Ethics Commission must meet, either in  
21 person or by other technological means, monthly or as often as  
22 necessary. At the first meeting of the Legislative Ethics  
23 Commission, the commissioners shall choose from their number a  
24 chairperson and other officers that they deem appropriate. The  
25 terms of officers shall be for 2 years commencing July 1 and  
26 running through June 30 of the second following year. Meetings

1 shall be held at the call of the chairperson or any 3  
2 commissioners. Official action by the Commission shall require  
3 the affirmative vote of 5 commissioners, and a quorum shall  
4 consist of 5 commissioners. Commissioners shall receive no  
5 compensation but may be reimbursed for their reasonable  
6 expenses actually incurred in the performance of their duties.

7 (f) No commissioner, ~~other than a commissioner who is a~~  
8 ~~member of the General Assembly,~~ or employee of the Legislative  
9 Ethics Commission may during his or her term of appointment or  
10 employment:

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

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

16 (3) be actively involved in the affairs of any  
17 political party, ~~or~~ political organization, political  
18 committee, or political campaign; or

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

22 (g) An appointing authority may remove a commissioner only  
23 for cause.

24 (h) The Legislative Ethics Commission shall appoint an  
25 Executive Director subject to the approval of at least 3 of the  
26 4 legislative leaders. The compensation of the Executive

1 Director shall be as determined by the Commission. The  
2 Executive Director of the Legislative Ethics Commission may  
3 employ, subject to the approval of at least 3 of the 4  
4 legislative leaders, and determine the compensation of staff,  
5 as appropriations permit.

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

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.