



SR0953

LRB101 18055 JWD 67493 r

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SENATE RESOLUTION

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RESOLVED, BY THE SENATE OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Rules of the Senate of the 101st General Assembly are amended by adding Senate Rules 11-3 through 11-9 as follows:

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(Senate Rule 11-3 new)

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11-3. Special Investigating Committee.

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(a) Disciplinary proceedings may be commenced by filing with the President and the Minority Leader a petition, signed by 3 or more members of the Senate, for a special investigating committee. The petition shall contain the alleged charge or charges that, if true, may subject the member named in the petition to disciplinary action by the Senate and may include any other factual information that supports the charge or charges.

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(b) Upon filing the petition, a special investigating committee consisting of 6 members shall be created. The President shall appoint 3 members from the majority caucus and the Minority Leader shall appoint 3 members from the minority caucus. The President shall appoint the Chairperson from among the 6 members. Members signing the petition may not be appointed to the special investigating committee. The contents of a petition for a special investigating committee shall be

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1 confidential until the appointment of all members except as to
2 the member named, the members signing it, the President, the
3 Minority Leader, and the members of a special investigating
4 committee.

5 (c) The Chairperson shall give reasonable notice of all
6 meetings to the member named in the petition and to the public.
7 All meetings of the special investigating committee shall be
8 open to the public, unless, pursuant to Article IV, Section
9 5(c) of the Illinois Constitution, the Senate votes by the
10 affirmative vote of two-thirds of the members to hold
11 proceedings in executive session. The Secretary shall keep an
12 audio recording and transcript of all meetings.

13 (d) The member named in the petition has the right to
14 counsel during all meetings of the special investigating
15 committee.

16 (e) The Chairperson may establish procedural rules
17 (subject to the approval of the President). The Committee may,
18 in the discretion of the Chairperson, administer oaths and
19 compel by subpoena (subject to Rule 2-5(c)(9)) any person to
20 appear and give testimony as a witness or produce papers,
21 documents, or other materials relevant to the charge or
22 charges.

1 (Senate Rule 11-4 new)

2 11-4. Investigation.

3 (a) At the initial meeting of the special investigating
4 committee, the Chairperson shall enter the petition into the
5 record.

6 (b) The special investigating committee shall conduct a
7 thorough investigation of all charges alleged in the petition.
8 The special investigating committee shall meet as often as
9 necessary and consider any information or testimony it deems
10 relevant to the charges alleged in the petition, regardless of
11 whether such information was contained in the petition or is
12 discovered through subsequent investigation.

13 (c) The special investigating committee shall give the
14 member named in the petition an opportunity to be present at
15 all meetings and to testify or otherwise present any relevant
16 information.

17 (d) The special investigating committee shall determine if
18 reasonable grounds exist to authorize charges against the
19 member named in the petition that may result in disciplinary
20 action by the Senate. The special investigating committee shall
21 vote on each charge alleged in the petition by record vote. A
22 motion to authorize a charge requires the affirmative vote of a
23 majority of those appointed.

1 (Senate Rule 11-5 new)

2 11-5. Report of the Special Investigating Committee.

3 (a) The special investigating committee shall file with the
4 Secretary a written report that includes, at a minimum, a
5 summary of each charge alleged in the petition, the vote on
6 each charge alleged in the petition, and the reasons the
7 committee did or did not authorize each charge against the
8 member. Any member of the special investigating committee may
9 include a supplemental statement in the report, either
10 concurring with or dissenting from all or part of the report,
11 or explaining a reason for his or her vote on a charge. The
12 report shall be signed by all of the members of the special
13 investigating committee, regardless of their original vote in
14 the committee proceedings on whether to authorize charges.

15 (b) If a majority of those appointed determines that
16 reasonable grounds exist to authorize a charge or charges, then
17 for each authorized charge the report shall include a statement
18 of the authorized charge and any factual information supporting
19 that charge. Within the report, the special investigating
20 committee shall appoint 2 members of the Senate, one from the
21 majority caucus and one from the minority caucus, who are not
22 members of the special investigating committee and did not sign
23 the petition, to be managers for the Senate at the hearing on
24 the authorized charge or charges.

1 (Senate Rule 11-6 new)

2 11-6. Select Committee on Discipline.

3 (a) If a special investigating committee authorizes
4 charges against any member of the Senate, the President and the
5 Minority Leader shall appoint a select committee on discipline
6 to hear and determine those charges. The select committee shall
7 consist of 12 members of the Senate, 6 of whom shall be
8 appointed by the President from the majority caucus and 6 of
9 whom shall be appointed by the Minority Leader from the
10 minority caucus. The President shall appoint a Chairperson from
11 among the 12 members. No member who signed the petition or
12 served on the special investigating committee may be appointed
13 to the select committee.

14 (b) All appointments to a select committee shall be
15 completed and the select committee shall convene within 30 days
16 after the filing of a report issued by the special
17 investigating committee.

18 (c) The Chairperson shall give reasonable notice of all
19 meetings to the member named in the petition and to the public.
20 All meetings of the select committee shall be open to the
21 public, unless, pursuant to Article IV, Section 5(c) of the
22 Illinois Constitution, the Senate votes by the affirmative vote
23 of two-thirds of the members to hold proceedings in executive

1 session. The Secretary shall keep an audio recording and
2 transcript of all meetings.

3 (d) The Chairperson may establish procedural rules
4 (subject to the approval of the President). The select
5 committee may, at the discretion of the Chairperson, administer
6 oaths and compel by subpoena (subject to Rule 2-5(c)(9)) any
7 person to appear and give testimony as a witness or produce
8 papers, documents, or other materials relevant to the charge or
9 charges.

10 (Senate Rule 11-7 new)

11 11-7. Hearings on Disciplinary Charges.

12 (a) Proceedings before the select committee shall be
13 adversarial in form, with the managers for the Senate
14 presenting the case for disciplinary action. The member subject
15 to charges has the right to counsel during all hearings of the
16 select committee.

17 (b) Stipulations of fact shall be encouraged by the select
18 committee.

19 (Senate Rule 11-8 new)

20 11-8. Report of the Select Committee on Discipline.

21 (a) The select committee shall vote on each charge by
22 record vote. For each charge the select committee shall vote on

1 the question, "Is the Member at fault on this charge?" If a
2 majority of those appointed vote in the affirmative, the member
3 shall be found at fault on that charge. If less than a majority
4 of those appointed vote in the affirmative, it shall be
5 reported that there is insufficient evidence to find the member
6 at fault on that charge.

7 (b) If the select committee finds the member at fault on
8 any charge, the committee shall adopt a recommendation for
9 disciplinary action. The committee may recommend a reprimand, a
10 censure, expulsion from the Senate, or that no penalty be
11 invoked. The recommendation on disciplinary action requires an
12 affirmative vote of the majority of those appointed. If a
13 majority of those appointed cannot, by record vote, agree on a
14 penalty, it shall report a recommendation that no penalty be
15 invoked.

16 (c) The select committee shall file a report of its
17 findings on each charge. The report shall include, at a
18 minimum, the vote of the committee on each charge, the reasons
19 for each conclusion, and any recommendation as to a penalty for
20 a finding of fault on a charge. Any member of the select
21 committee may include a supplemental statement in the report,
22 either concurring with or dissenting from all or part of the
23 report, or explaining a reason for his or her vote on a charge.

1 (d) If the select committee finds the member at fault on
2 any charge, the select committee shall file a resolution that
3 includes its findings, the charge, and the recommended penalty
4 for that charge. Separate resolutions must be filed for each
5 charge.

6 (Senate Rule 11-9 new)

7 11-9. Senate Action on the Report of the Select Committee
8 on Discipline.

9 (a) The report of a select committee and any accompanying
10 resolution shall be filed with the Secretary and reproduced and
11 distributed as provided in Rule 5-4. The report and any
12 accompanying resolutions shall be placed on the calendar under
13 the heading "Report and Resolutions of Select Committee on
14 Discipline". The report and resolutions shall be carried on the
15 Daily Calendar for 2 legislative days before any action by the
16 Senate.

17 (b) The Senate shall take action by a record vote on each
18 resolution. The Senate may amend a resolution for disciplinary
19 action to decrease the recommended penalty by a record vote of
20 a majority of the members elected.

21 (c) A resolution finding a member at fault regarding a
22 charge may be adopted only by the affirmative vote of
23 three-fifths of the members elected, except that a resolution

1 the effect of which is to expel a member may be adopted only by
2 the affirmative vote of two-thirds of the members elected.