



Rep. Barbara Flynn Currie

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1 AMENDMENT TO SENATE BILL 1640

2 AMENDMENT NO. _____. Amend Senate Bill 1640 by replacing
3 everything after the enacting clause with the following:

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

1 received the advice and consent of the Senate. If, during a
2 recess of the Senate, there is a vacancy in an office of
3 commissioner, the appointing authority shall make a temporary
4 appointment until the next meeting of the Senate when the
5 appointing authority shall make a nomination to fill that
6 office. No person rejected for an office of commissioner shall,
7 except by the Senate's request, be nominated again for that
8 office at the same session of the Senate or be appointed to
9 that office during a recess of that Senate. No more than 5
10 commissioners may be of the same political party.

11 The terms of the initial commissioners shall commence upon
12 qualification. Four initial appointees of the Governor, as
13 designated by the Governor, shall serve terms running through
14 June 30, 2007. One initial appointee of the Governor, as
15 designated by the Governor, and the initial appointees of the
16 Attorney General, Secretary of State, Comptroller, and
17 Treasurer shall serve terms running through June 30, 2008. The
18 initial appointments shall be made within 60 days after the
19 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
24 terms.

25 Vacancies occurring other than at the end of a term shall
26 be filled by the appointing authority only for the balance of

1 the term of the commissioner whose office is vacant.

2 Terms shall run regardless of whether the position is
3 filled.

4 (c) The appointing authorities shall appoint commissioners
5 who have experience holding governmental office or employment
6 and shall appoint commissioners from the general public. A
7 person is not eligible to serve as a commissioner if that
8 person (i) has been convicted of a felony or a crime of
9 dishonesty or moral turpitude, (ii) is, or was within the
10 preceding 12 months, engaged in activities that require
11 registration under the Lobbyist Registration Act, (iii) is
12 related to the appointing authority, or (iv) is a State officer
13 or employee.

14 (d) The Executive Ethics Commission shall have
15 jurisdiction over all officers and employees of State agencies
16 other than the General Assembly, the Senate, the House of
17 Representatives, the President and Minority Leader of the
18 Senate, the Speaker and Minority Leader of the House of
19 Representatives, the Senate Operations Commission, the
20 legislative support services agencies, and the Office of the
21 Auditor General. The Executive Ethics Commission shall have
22 jurisdiction over all board members and employees of Regional
23 Transit Boards. The jurisdiction of the Commission is limited
24 to matters arising under this Act, except as provided in
25 subsection (d-5).

26 A member or legislative branch State employee serving on an

1 executive branch board or commission remains subject to the
2 jurisdiction of the Legislative Ethics Commission and is not
3 subject to the jurisdiction of the Executive Ethics Commission.

4 (d-5) The Executive Ethics Commission shall have
5 jurisdiction over all chief procurement officers and
6 procurement compliance monitors and their respective staffs.
7 The Executive Ethics Commission shall have jurisdiction over
8 any matters arising under the Illinois Procurement Code if the
9 Commission is given explicit authority in that Code.

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

21 (2) In case of a vacancy in the office of Director of
22 the Illinois Power Agency during a recess of the Senate, the
23 Executive Ethics Commission may make a temporary appointment
24 until the next meeting of the Senate, at which time the
25 Executive Ethics Commission shall nominate some person to fill
26 the office, and any person so nominated who is confirmed by the

1 Senate shall hold office during the remainder of the term and
2 until his or her successor is appointed and qualified. Nothing
3 in this subsection shall prohibit the Executive Ethics
4 Commission from removing a temporary appointee or from
5 appointing a temporary appointee as the Director of the
6 Illinois Power Agency.

7 (3) Prior to June 1, 2012, the Executive Ethics
8 Commission may, until the Director of the Illinois Power Agency
9 is appointed and qualified or a temporary appointment is made
10 pursuant to paragraph (2) of this subsection, designate some
11 person as an acting Director to execute the powers and
12 discharge the duties vested by law in that Director. An acting
13 Director shall serve no later than 60 calendar days, or upon
14 the making of an appointment pursuant to paragraph (1) or (2)
15 of this subsection, whichever is earlier. Nothing in this
16 subsection shall prohibit the Executive Ethics Commission from
17 removing an acting Director or from appointing an acting
18 Director as the Director of the Illinois Power Agency.

19 (4) No person rejected by the Senate for the office of
20 Director of the Illinois Power Agency shall, except at the
21 Senate's request, be nominated again for that office at the
22 same session or be appointed to that office during a recess of
23 that Senate.

24 (e) The Executive Ethics Commission must meet, either in
25 person or by other technological means, at least monthly and as
26 often as necessary. At the first meeting of the Executive

1 Ethics Commission, the commissioners shall choose from their
2 number a chairperson and other officers that they deem
3 appropriate. The terms of officers shall be for 2 years
4 commencing July 1 and running through June 30 of the second
5 following year. Meetings shall be held at the call of the
6 chairperson or any 3 commissioners. Official action by the
7 Commission shall require the affirmative vote of 5
8 commissioners, and a quorum shall consist of 5 commissioners.
9 Commissioners shall receive compensation in an amount equal to
10 the compensation of members of the State Board of Elections and
11 may be reimbursed for their reasonable expenses actually
12 incurred in the performance of their duties.

13 (f) No commissioner or employee of the Executive Ethics
14 Commission may during his or her term of appointment or
15 employment:

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

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

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

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

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

1 for cause.

2 (h) The Executive Ethics Commission shall appoint an
3 Executive Director. The compensation of the Executive Director
4 shall be as determined by the Commission. The Executive
5 Director of the Executive Ethics Commission may employ and
6 determine the compensation of staff, as appropriations permit.

7 (i) The Executive Ethics Commission shall appoint, by a
8 majority of the members appointed to the Commission, chief
9 procurement officers and procurement compliance monitors in
10 accordance with the provisions of the Illinois Procurement
11 Code. The compensation of a chief procurement officer and
12 procurement compliance monitor shall be determined by the
13 Commission.

14 (Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11;
15 97-618, eff. 10-26-11.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."