

HB2536



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2536

by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

5 ILCS 430/20-5

Amends the State Officials and Employees Ethics Act. Expands the jurisdiction of the Executive Ethics Commission to include vendors and others doing business with State agencies (currently, officers and employees of State agencies). Effective immediately.

LRB101 08195 RJF 53261 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 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
17 received the advice and consent of the Senate. If, during a
18 recess of the Senate, there is a vacancy in an office of
19 commissioner, the appointing authority shall make a temporary
20 appointment until the next meeting of the Senate when the
21 appointing authority shall make a nomination to fill that
22 office. No person rejected for an office of commissioner shall,
23 except by the Senate's request, be nominated again for that

1 office at the same session of the Senate or be appointed to
2 that office during a recess of that Senate. No more than 5
3 commissioners may be of the same political party.

4 The terms of the initial commissioners shall commence upon
5 qualification. Four initial appointees of the Governor, as
6 designated by the Governor, shall serve terms running through
7 June 30, 2007. One initial appointee of the Governor, as
8 designated by the Governor, and the initial appointees of the
9 Attorney General, Secretary of State, Comptroller, and
10 Treasurer shall serve terms running through June 30, 2008. The
11 initial appointments shall be made within 60 days after the
12 effective date of this Act.

13 After the initial terms, commissioners shall serve for
14 4-year terms commencing on July 1 of the year of appointment
15 and running through June 30 of the fourth following year.
16 Commissioners may be reappointed to one or more subsequent
17 terms.

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

21 Terms shall run regardless of whether the position is
22 filled.

23 (c) The appointing authorities shall appoint commissioners
24 who have experience holding governmental office or employment
25 and shall appoint commissioners from the general public. A
26 person is not eligible to serve as a commissioner if that

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

7 (d) The Executive Ethics Commission shall have
8 jurisdiction over all officers and employees of, together with
9 vendors and others doing business with, State agencies other
10 than the General Assembly, the Senate, the House of
11 Representatives, the President and Minority Leader of the
12 Senate, the Speaker and Minority Leader of the House of
13 Representatives, the Senate Operations Commission, the
14 legislative support services agencies, and the Office of the
15 Auditor General. The Executive Ethics Commission shall have
16 jurisdiction over all board members and employees of Regional
17 Transit Boards. The jurisdiction of the Commission is limited
18 to matters arising under this Act, except as provided in
19 subsection (d-5).

20 A member or legislative branch State employee serving on an
21 executive branch board or commission remains subject to the
22 jurisdiction of the Legislative Ethics Commission and is not
23 subject to the jurisdiction of the Executive Ethics Commission.

24 (d-5) The Executive Ethics Commission shall have
25 jurisdiction over all chief procurement officers and
26 procurement compliance monitors and their respective staffs.

1 The Executive Ethics Commission shall have jurisdiction over
2 any matters arising under the Illinois Procurement Code if the
3 Commission is given explicit authority in that Code.

4 (d-6) (1) The Executive Ethics Commission shall have
5 jurisdiction over the Illinois Power Agency and its staff. The
6 Director of the Agency shall be appointed by a majority of the
7 commissioners of the Executive Ethics Commission, subject to
8 Senate confirmation, for a term of 2 years. The Director is
9 removable for cause by a majority of the Commission upon a
10 finding of neglect, malfeasance, absence, or incompetence.

11 (2) In case of a vacancy in the office of Director of the
12 Illinois Power Agency during a recess of the Senate, the
13 Executive Ethics Commission may make a temporary appointment
14 until the next meeting of the Senate, at which time the
15 Executive Ethics Commission shall nominate some person to fill
16 the office, and any person so nominated who is confirmed by the
17 Senate shall hold office during the remainder of the term and
18 until his or her successor is appointed and qualified. Nothing
19 in this subsection shall prohibit the Executive Ethics
20 Commission from removing a temporary appointee or from
21 appointing a temporary appointee as the Director of the
22 Illinois Power Agency.

23 (3) Prior to June 1, 2012, the Executive Ethics Commission
24 may, until the Director of the Illinois Power Agency is
25 appointed and qualified or a temporary appointment is made
26 pursuant to paragraph (2) of this subsection, designate some

1 person as an acting Director to execute the powers and
2 discharge the duties vested by law in that Director. An acting
3 Director shall serve no later than 60 calendar days, or upon
4 the making of an appointment pursuant to paragraph (1) or (2)
5 of this subsection, whichever is earlier. Nothing in this
6 subsection shall prohibit the Executive Ethics Commission from
7 removing an acting Director or from appointing an acting
8 Director as the Director of the Illinois Power Agency.

9 (4) No person rejected by the Senate for the office of
10 Director of the Illinois Power Agency shall, except at the
11 Senate's request, be nominated again for that office at the
12 same session or be appointed to that office during a recess of
13 that Senate.

14 (e) The Executive Ethics Commission must meet, either in
15 person or by other technological means, at least monthly and as
16 often as necessary. At the first meeting of the Executive
17 Ethics Commission, the commissioners shall choose from their
18 number a chairperson and other officers that they deem
19 appropriate. The terms of officers shall be for 2 years
20 commencing July 1 and running through June 30 of the second
21 following year. Meetings shall be held at the call of the
22 chairperson or any 3 commissioners. Official action by the
23 Commission shall require the affirmative vote of 5
24 commissioners, and a quorum shall consist of 5 commissioners.
25 Commissioners shall receive compensation in an amount equal to
26 the compensation of members of the State Board of Elections and

1 may be reimbursed for their reasonable expenses actually
2 incurred in the performance of their duties.

3 (f) No commissioner or employee of the Executive Ethics
4 Commission may during his or her term of appointment or
5 employment:

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

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

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

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

16 (g) An appointing authority may remove a commissioner only
17 for cause.

18 (h) The Executive Ethics Commission shall appoint an
19 Executive Director. The compensation of the Executive Director
20 shall be as determined by the Commission. The Executive
21 Director of the Executive Ethics Commission may employ and
22 determine the compensation of staff, as appropriations permit.

23 (i) The Executive Ethics Commission shall appoint, by a
24 majority of the members appointed to the Commission, chief
25 procurement officers and may appoint procurement compliance
26 monitors in accordance with the provisions of the Illinois

1 Procurement Code. The compensation of a chief procurement
2 officer and procurement compliance monitor shall be determined
3 by the Commission.

4 (Source: P.A. 100-43, eff. 8-9-17.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.