



General Assembly

Amendment

January Session, 2009

LCO No. 310

SR0000100310SRO

Offered by:

SEN. MCKINNEY, 28th Dist.

SEN. FASANO, 34th Dist.

SEN. RORABACK, 30th Dist.

To: Senate Resolution No. 1

File No.

Cal. No.

"RESOLUTION CONCERNING THE RULES OF THE SENATE."

1 After Senate Rule 36, insert the following:

2 "37. (a) There is established a Bipartisan Senate Committee on
3 Standards of Official Conduct that shall consist of six members,
4 appointed as follows: Three majority caucus senators by the President
5 Pro Tempore, and three minority caucus senators by the President Pro
6 Tempore upon the recommendation of the Senate Minority Leader.
7 The President Pro Tempore shall appoint two cochairpersons of the
8 committee, one of whom shall be appointed upon the recommendation
9 of the Senate Minority Leader.

10 (b) Said committee shall have cognizance of any official Senate
11 action in response to any misconduct by any member of the Senate.
12 "Misconduct" shall include any ethical violation, abuse of office or
13 conduct that materially impairs the ability of the member to perform
14 the duties of his or her office or undermines public confidence and
15 trust in the Senate. Nothing in this rule shall be construed to affect the

16 powers and duties of the Office of State Ethics or the Citizen's Ethics
17 Advisory Board.

18 (c) A quorum, consisting of not less than two members of each
19 caucus, shall be required to conduct any official business of the
20 committee.

21 (d) Upon the complaint of any person, signed under penalty of false
22 statement, or upon its own complaint, the committee shall conduct a
23 preliminary investigation into claims of any misconduct by any
24 member of the Senate. Any committee member who is the subject of
25 such a complaint shall recuse himself or herself from any committee
26 action pertaining to such complaint. Such member shall be replaced,
27 for purposes of committee action on such complaint, in the same
28 manner in which such member was appointed.

29 (e) Any such preliminary investigation shall be confidential and not
30 subject to disclosure. Upon the conclusion of any preliminary
31 investigation, the committee shall vote to either (1) dismiss the
32 complaint, or (2) make a finding of probable cause that misconduct has
33 occurred. Upon a finding of probable cause by the committee, all
34 information relating to the preliminary investigation shall, to the
35 extent allowed by state and federal law, be made available to the
36 public.

37 (f) The committee shall undertake a full investigation only after a
38 finding of probable cause. All information relating to a full
39 investigation shall, to the extent allowed by state and federal law, be
40 made available to the public. All proceedings relating to a full
41 investigation shall be open to the public. Upon the completion of a full
42 investigation, the committee shall report its findings and
43 recommendation in the form of a resolution to be voted upon by the
44 Senate. Such recommendation shall include one of the following: (1)
45 Expulsion, (2) censure, (3) reprimand, or (4) no action. The full Senate
46 shall vote on any such resolution not later than ten days after the
47 committee reports out any such resolution.

48 (g) The subject of any such complaint or investigation may be
49 represented by counsel.

50 (h) Not later than fifteen days prior to the end of the regular 2009
51 legislative session, the committee shall adopt proposed rules of
52 procedure to govern its proceedings and shall submit such proposed
53 rules of procedure to the full Senate for approval. The full Senate shall
54 vote on such proposed rules not later than the end of the regular 2009
55 legislative session. Such proposed rules shall include, but not be
56 limited to: (1) Standards, rules and methodology for conducting
57 preliminary and full investigations, respectively, and (2) criteria for the
58 making of a recommendation of expulsion, censure, reprimand and no
59 action, respectively."