



General Assembly

January Session, 2009

Amendment

LCO No. 8798

HB0660008798SRO

Offered by:

SEN. MCKINNEY, 28th Dist.

SEN. FASANO, 34th Dist.

SEN. RORABACK, 30th Dist.

To: Subst. House Bill No. 6600

File No. 996

Cal. No. 674

**"AN ACT CONCERNING THE ESTABLISHMENT OF THE
SUSTINET PLAN."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) (a) Any member of the
4 Senate may submit a complaint, under penalty of false statement,
5 concerning alleged misconduct by a member of the Senate to the
6 president pro tempore and the Senate minority leader. Not later than
7 seven days after receipt of such a complaint, the president pro tempore
8 shall appoint a bipartisan committee on ethics that shall consist of six
9 members, three of whom shall be appointed with the concurrence of
10 the Senate minority leader. The president pro tempore shall appoint
11 two cochairpersons of the committee, one of whom shall be appointed
12 upon the recommendation of the Senate minority leader.

13 (b) Said committee shall have cognizance of any official Senate

14 action in response to any such complaint of misconduct by any
15 member of the Senate. As used in this section, "misconduct" means any
16 violation of state or federal election laws, any violation of the state
17 codes of ethics, including, but not limited to, the intentional filing of a
18 statement of financial interests that is false or misleading, any legal or
19 ethical wrong or other conduct that materially impairs the ability of the
20 member to perform the duties of his or her office or undermines public
21 trust and confidence in the Senate. Nothing in this section shall be
22 construed to affect the powers and duties of the Office of State Ethics
23 or the Citizen's Ethics Advisory Board.

24 (c) A quorum, consisting of not less than two members of each
25 caucus, shall be required to conduct any official business of the
26 committee. All committee decisions shall require four affirmative
27 votes.

28 (d) In the event that a complaint concerns alleged misconduct by the
29 president pro tempore, the duties of the president pro tempore under
30 this section shall become the duties of the Senate majority leader. If
31 such complaint concerns alleged misconduct of the Senate minority
32 leader, the duties of the Senate minority leader under this section shall
33 become the duties of the Senate minority leader pro tempore.

34 (e) The committee shall conduct a preliminary investigation into any
35 such complaint of misconduct by any member of the Senate. Any such
36 preliminary investigation of a complaint shall be confidential and not
37 subject to disclosure. Upon the conclusion of any preliminary
38 investigation, the committee shall vote to either (1) dismiss the
39 complaint, or (2) make a finding of probable cause that misconduct has
40 occurred. Upon a finding of probable cause by the committee, all
41 information relating to the preliminary investigation shall, to the
42 extent allowed by state and federal law, be made available to the
43 public.

44 (f) The committee shall undertake a full investigation only after a
45 finding of probable cause. All information relating to a full

46 investigation shall, to the extent allowed by state and federal law, be
47 made available to the public. All proceedings relating to a full
48 investigation shall be open to the public. Upon the completion of a full
49 investigation, the committee shall report its findings and
50 recommendation in the form of a resolution to be voted upon by the
51 Senate. Such recommendation shall include one of the following: (1)
52 Expulsion, (2) censure, (3) reprimand, or (4) no action. The full Senate
53 shall vote on any such resolution not later than ten days after the
54 committee reports out any such resolution.

55 (g) The subject of any such complaint or investigation may be
56 represented by counsel and may appear before the committee on his or
57 her own behalf.

58 (h) The committee shall adopt rules and procedures to govern its
59 proceedings. Such rules shall include, but not be limited to, standards,
60 rules and methodology for conducting such preliminary and full
61 investigation, respectively."