



General Assembly

February Session, 2010

Amendment

LCO No. 4002

HB0544204002SR0

Offered by:

SEN. MCKINNEY, 28th Dist.

SEN. FASANO, 34th Dist.

SEN. RORABACK, 30th Dist.

To: Subst. House Bill No. 5442

File No. 626

Cal. No. 446

**"AN ACT CONCERNING ABSENTEE VOTING BY MEMBERS OF
THE MILITARY AND BY CITIZENS LIVING ABROAD."**

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, or any legal wrong that materially impairs the ability of
18 the member to perform the duties of his or her office or that
19 substantially undermines public trust and confidence in the Senate.
20 Nothing in this section shall be construed to affect the powers and
21 duties of the Office of State Ethics or the Citizen's Ethics Advisory
22 Board.

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

27 (d) The committee shall conduct a preliminary investigation into
28 any such complaint of misconduct by any member of the Senate. In the
29 event that a complaint concerns alleged misconduct by the president
30 pro tempore, the duties of the president pro tempore under this section
31 shall become the duties of the Senate majority leader. If such complaint
32 concerns alleged misconduct of the Senate minority leader, the duties
33 of the Senate minority leader under this section shall become the
34 duties of the Senate minority leader pro tempore.

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

43 (f) The committee shall undertake a full investigation only after a
44 finding of probable cause. All information relating to a full
45 investigation shall, to the extent allowed by state and federal law, be

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

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

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

61 Sec. 502. (NEW) (*Effective from passage*) (a) Any member of the House
62 of Representatives may submit a complaint, under penalty of false
63 statement, concerning alleged misconduct by a member of the House
64 to the speaker of the House of Representatives and the House minority
65 leader. Not later than seven days after receipt of such a complaint, the
66 speaker of the House shall appoint a bipartisan committee on ethics
67 that shall consist of six members, three of whom shall be appointed
68 with the concurrence of the House minority leader. The speaker of the
69 House shall appoint two cochairpersons of the committee, one of
70 whom shall be appointed upon the recommendation of the House
71 minority leader.

72 (b) Said committee shall have cognizance of any official House
73 action in response to any such complaint of misconduct by any
74 member of the House. As used in this section, "misconduct" means any
75 violation of state or federal election laws, any violation of the state
76 codes of ethics, or any legal wrong that materially impairs the ability of
77 the member to perform the duties of his or her office or that

78 substantially undermines public trust and confidence in the House.
79 Nothing in this section shall be construed to affect the powers and
80 duties of the Office of State Ethics or the Citizen's Ethics Advisory
81 Board.

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

86 (d) The committee shall conduct a preliminary investigation into
87 any such complaint of misconduct by any member of the House. In the
88 event that a complaint concerns alleged misconduct by the speaker of
89 the House, the duties of the speaker of the House under this section
90 shall become the duties of the House majority leader. If such complaint
91 concerns alleged misconduct of the House minority leader, the duties
92 of the House minority leader under this section shall become the
93 duties of the House deputy minority leader.

94 (e) Any such preliminary investigation of a complaint shall be
95 confidential and not subject to disclosure. Upon the conclusion of any
96 preliminary investigation, the committee shall vote to either (1)
97 dismiss the complaint, or (2) make a finding of probable cause that
98 misconduct has occurred. Upon a finding of probable cause by the
99 committee, all information relating to the preliminary investigation
100 shall, to the extent allowed by state and federal law, be made available
101 to the public.

102 (f) The committee shall undertake a full investigation only after a
103 finding of probable cause. All information relating to a full
104 investigation shall, to the extent allowed by state and federal law, be
105 made available to the public. All proceedings relating to a full
106 investigation shall be open to the public. Upon the completion of a full
107 investigation, the committee shall report its findings and
108 recommendation in the form of a resolution to be voted upon by the
109 House. Such recommendation shall include one of the following: (1)

110 Expulsion, (2) censure, (3) reprimand, or (4) no action. The full House
111 shall vote on any such resolution not later than ten days after the
112 committee reports out any such resolution.

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

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