



General Assembly

**Amendment**

February Session, 2010

LCO No. 5098

**\*HB0547105098SR0\***

Offered by:

SEN. MCKINNEY, 28<sup>th</sup> Dist.

SEN. FASANO, 34<sup>th</sup> Dist.

SEN. RORABACK, 30<sup>th</sup> Dist.

To: Subst. House Bill No. 5471

File No. 445

Cal. No. 550

**"AN ACT CONCERNING INDEPENDENT EXPENDITURES."**

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 and the House minority leader. Not later  
65 than seven days after receipt of such a complaint, the speaker of the  
66 House shall appoint a bipartisan committee on ethics that shall consist  
67 of six members, three of whom shall be appointed with the  
68 concurrence of the House minority leader. The speaker of the House  
69 shall appoint two cochairpersons of the committee, one of whom shall  
70 be appointed upon the recommendation of the House minority leader.

71 (b) Said committee shall have cognizance of any official House  
72 action in response to any such complaint of misconduct by any  
73 member of the House. As used in this section, "misconduct" means any  
74 violation of state or federal election laws, any violation of the state  
75 codes of ethics, or any legal wrong that materially impairs the ability of  
76 the member to perform the duties of his or her office or that  
77 substantially undermines public trust and confidence in the House.  
78 Nothing in this section shall be construed to affect the powers and

79 duties of the Office of State Ethics or the Citizen's Ethics Advisory  
80 Board.

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

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

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

101 (f) The committee shall undertake a full investigation only after a  
102 finding of probable cause. All information relating to a full  
103 investigation shall, to the extent allowed by state and federal law, be  
104 made available to the public. All proceedings relating to a full  
105 investigation shall be open to the public. Upon the completion of a full  
106 investigation, the committee shall report its findings and  
107 recommendation in the form of a resolution to be voted upon by the  
108 House. Such recommendation shall include one of the following: (1)  
109 Expulsion, (2) censure, (3) reprimand, or (4) no action. The full House  
110 shall vote on any such resolution not later than ten days after the

111 committee reports out any such resolution.

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

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