



General Assembly

Amendment

January Session, 2013

LCO No. 6095

SB0043206095SR0

Offered by:

SEN. MCKINNEY, 28th Dist.

SEN. FASANO, 34th Dist.

To: Senate Bill No. 432

File No. 334

Cal. No. 252

**"AN ACT CONCERNING AN AGREEMENT AMONG THE STATES
TO ELECT THE PRESIDENT OF THE UNITED STATES BY
NATIONAL POPULAR VOTE."**

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 of the Senate and the minority leader of the
7 Senate. Not later than seven days after receipt of such a complaint, the
8 president pro tempore shall appoint a bipartisan committee on ethics
9 that shall consist of six members, three of whom shall be appointed
10 with the concurrence of the minority leader of the Senate. The
11 president pro tempore shall appoint two cochairpersons of the
12 committee, one of whom shall be appointed upon the recommendation
13 of the minority leader of the Senate. Such committee shall have
14 cognizance of any official Senate action in response to any such

15 complaint or misconduct by any member of the Senate.

16 (b) Any member of the House of Representatives may submit a
17 complaint, under penalty of false statement, concerning alleged
18 misconduct by a member of the House of Representatives to the
19 speaker of the House of Representatives and the minority leader of the
20 House of Representatives. Not later than seven days after receipt of
21 such a complaint, the speaker of the House of Representatives shall
22 appoint a bipartisan committee on ethics that shall consist of six
23 members, three of whom shall be appointed by the minority leader of
24 the House of Representatives. The speaker of the House of
25 Representatives shall appoint two chairpersons of the committee, one
26 of whom shall be appointed upon the recommendation of the minority
27 leader of the House of Representatives. Such committee shall have
28 cognizance of any official House of Representatives' action in response
29 to any such complaint or misconduct by any member of the House of
30 Representatives.

31 (c) As used in this section, "misconduct" means (1) any conviction or
32 finding by a state agency of a substantial violation of state or federal
33 election laws, or of the state code of ethics, or (2) any legal wrong that
34 materially impairs the ability of the member to perform the duties of
35 his or her office or that substantially undermines public trust and
36 confidence in the Senate or House of Representatives, as applicable.
37 Nothing in this section shall be construed to affect the powers and
38 duties of the Office of State Ethics or the Citizen's Ethics Advisory
39 Board. The provisions of subsections (d) to (i), inclusive, of this section
40 set forth the procedures and requirements for any committee
41 established in accordance with subsection (a) or (b) of this section.

42 (d) A quorum, consisting of not less than two members of each
43 caucus, shall be required to conduct any official business of the
44 committee. All committee decisions shall require four affirmative
45 votes.

46 (e) The committee shall conduct a preliminary investigation into any

47 such complaint received pursuant to subsection (a) or (b) of this
48 section. In the event that a complaint concerns alleged misconduct by
49 the president pro tempore of the Senate, the duties of the president pro
50 tempore under this section shall become the duties of the majority
51 leader of the Senate. If such complaint concerns alleged misconduct of
52 the minority leader of the Senate, the duties of the minority leader of
53 the Senate under this section shall become the duties of the minority
54 leader pro tempore of the Senate. If such complaint concerns alleged
55 misconduct by the speaker of the House of Representatives, the duties
56 of the speaker under this section shall become the duties of the
57 majority leader of the House of Representatives. If such complaint
58 concerns alleged misconduct of the minority leader of the House of
59 Representatives, the duties of the minority leader shall become the
60 duties of one of the deputy minority leaders of the House of
61 Representatives.

62 (f) Any such preliminary investigation of a complaint shall be
63 confidential and not subject to disclosure. Upon the conclusion of any
64 preliminary investigation, the committee shall vote to either (1)
65 dismiss the complaint, or (2) make a finding of probable cause that
66 misconduct has occurred. Upon a finding of probable cause by the
67 committee, all information relating to the preliminary investigation
68 shall, to the extent allowed by state and federal law, be made available
69 to the public.

70 (g) The committee shall undertake a full investigation only after a
71 finding of probable cause. All information relating to a full
72 investigation shall, to the extent allowed by state and federal law, be
73 made available to the public. All proceedings relating to a full
74 investigation shall be open to the public. Upon the completion of a full
75 investigation, the committee shall report its findings and
76 recommendation in the form of a resolution to be voted upon by the
77 Senate or House of Representatives, as applicable. Such
78 recommendation shall include one of the following: (1) Expulsion, (2)
79 censure, (3) reprimand, or (4) no action. The full Senate or House of
80 Representatives, as applicable, shall vote on any such resolution not

81 later than ten days after the committee reports out any such resolution.

82 (h) The subject of any such complaint or investigation may be
83 represented by counsel and may appear before the committee on his or
84 her own behalf.

85 (i) The committee shall adopt rules and procedures to govern its
86 proceedings. Such rules shall include, but not be limited to, standards,
87 rules and methodology for conducting such preliminary and full
88 investigation, respectively."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>from passage</i>	New section