



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4458

Introduced 1/21/2022, by Rep. Thomas M. Bennett

SYNOPSIS AS INTRODUCED:

5 ILCS 430/5-45

Amends the State Officials and Employees Ethics Act. Provides that no former member of the General Assembly shall engage in activities at the State level that require registration under the Lobbyist Registration Act until 2 years (currently, 6 months) after leaving office. Removes provision specifying that the lobbying prohibition only applies to the General Assembly in which the person was a member. Effective immediately.

LRB102 22558 RJF 31699 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Section 5-45 as follows:

6 (5 ILCS 430/5-45)

7 (Text of Section before amendment by P.A. 102-664)

8 Sec. 5-45. Procurement; revolving door prohibition.

9 (a) No former officer, member, or State employee, or
10 spouse or immediate family member living with such person,
11 shall, within a period of one year immediately after
12 termination of State employment, knowingly accept employment
13 or receive compensation or fees for services from a person or
14 entity if the officer, member, or State employee, during the
15 year immediately preceding termination of State employment,
16 participated personally and substantially in the award of
17 State contracts, or the issuance of State contract change
18 orders, with a cumulative value of \$25,000 or more to the
19 person or entity, or its parent or subsidiary.

20 (a-5) No officer, member, or spouse or immediate family
21 member living with such person shall, during the officer or
22 member's term in office or within a period of 2 years
23 immediately leaving office, hold an ownership interest, other

1 than a passive interest in a publicly traded company, in any
2 gaming license under the Illinois Gambling Act, the Video
3 Gaming Act, the Illinois Horse Racing Act of 1975, or the
4 Sports Wagering Act. Any member of the General Assembly or
5 spouse or immediate family member living with such person who
6 has an ownership interest, other than a passive interest in a
7 publicly traded company, in any gaming license under the
8 Illinois Gambling Act, the Illinois Horse Racing Act of 1975,
9 the Video Gaming Act, or the Sports Wagering Act at the time of
10 the effective date of this amendatory Act of the 101st General
11 Assembly shall divest himself or herself of such ownership
12 within one year after the effective date of this amendatory
13 Act of the 101st General Assembly. No State employee who works
14 for the Illinois Gaming Board or Illinois Racing Board or
15 spouse or immediate family member living with such person
16 shall, during State employment or within a period of 2 years
17 immediately after termination of State employment, hold an
18 ownership interest, other than a passive interest in a
19 publicly traded company, in any gaming license under the
20 Illinois Gambling Act, the Video Gaming Act, the Illinois
21 Horse Racing Act of 1975, or the Sports Wagering Act.

22 (a-10) This subsection (a-10) applies on and after June
23 25, 2021. No officer, member, or spouse or immediate family
24 member living with such person, shall, during the officer or
25 member's term in office or within a period of 2 years
26 immediately after leaving office, hold an ownership interest,

1 other than a passive interest in a publicly traded company, in
2 any cannabis business establishment which is licensed under
3 the Cannabis Regulation and Tax Act. Any member of the General
4 Assembly or spouse or immediate family member living with such
5 person who has an ownership interest, other than a passive
6 interest in a publicly traded company, in any cannabis
7 business establishment which is licensed under the Cannabis
8 Regulation and Tax Act at the time of the effective date of
9 this amendatory Act of the 101st General Assembly shall divest
10 himself or herself of such ownership within one year after the
11 effective date of this amendatory Act of the 101st General
12 Assembly.

13 No State employee who works for any State agency that
14 regulates cannabis business establishment license holders who
15 participated personally and substantially in the award of
16 licenses under the Cannabis Regulation and Tax Act or a spouse
17 or immediate family member living with such person shall,
18 during State employment or within a period of 2 years
19 immediately after termination of State employment, hold an
20 ownership interest, other than a passive interest in a
21 publicly traded company, in any cannabis license under the
22 Cannabis Regulation and Tax Act.

23 (b) No former officer of the executive branch or State
24 employee of the executive branch with regulatory or licensing
25 authority, or spouse or immediate family member living with
26 such person, shall, within a period of one year immediately

1 after termination of State employment, knowingly accept
2 employment or receive compensation or fees for services from a
3 person or entity if the officer or State employee, during the
4 year immediately preceding termination of State employment,
5 participated personally and substantially in making a
6 regulatory or licensing decision that directly applied to the
7 person or entity, or its parent or subsidiary.

8 (c) Within 6 months after the effective date of this
9 amendatory Act of the 96th General Assembly, each executive
10 branch constitutional officer and legislative leader, the
11 Auditor General, and the Joint Committee on Legislative
12 Support Services shall adopt a policy delineating which State
13 positions under his or her jurisdiction and control, by the
14 nature of their duties, may have the authority to participate
15 personally and substantially in the award of State contracts
16 or in regulatory or licensing decisions. The Governor shall
17 adopt such a policy for all State employees of the executive
18 branch not under the jurisdiction and control of any other
19 executive branch constitutional officer.

20 The policies required under subsection (c) of this Section
21 shall be filed with the appropriate ethics commission
22 established under this Act or, for the Auditor General, with
23 the Office of the Auditor General.

24 (d) Each Inspector General shall have the authority to
25 determine that additional State positions under his or her
26 jurisdiction, not otherwise subject to the policies required

1 by subsection (c) of this Section, are nonetheless subject to
2 the notification requirement of subsection (f) below due to
3 their involvement in the award of State contracts or in
4 regulatory or licensing decisions.

5 (e) The Joint Committee on Legislative Support Services,
6 the Auditor General, and each of the executive branch
7 constitutional officers and legislative leaders subject to
8 subsection (c) of this Section shall provide written
9 notification to all employees in positions subject to the
10 policies required by subsection (c) or a determination made
11 under subsection (d): (1) upon hiring, promotion, or transfer
12 into the relevant position; and (2) at the time the employee's
13 duties are changed in such a way as to qualify that employee.
14 An employee receiving notification must certify in writing
15 that the person was advised of the prohibition and the
16 requirement to notify the appropriate Inspector General in
17 subsection (f).

18 (f) Any State employee in a position subject to the
19 policies required by subsection (c) or to a determination
20 under subsection (d), but who does not fall within the
21 prohibition of subsection (h) below, who is offered non-State
22 employment during State employment or within a period of one
23 year immediately after termination of State employment shall,
24 prior to accepting such non-State employment, notify the
25 appropriate Inspector General. Within 10 calendar days after
26 receiving notification from an employee in a position subject

1 to the policies required by subsection (c), such Inspector
2 General shall make a determination as to whether the State
3 employee is restricted from accepting such employment by
4 subsection (a) or (b). In making a determination, in addition
5 to any other relevant information, an Inspector General shall
6 assess the effect of the prospective employment or
7 relationship upon decisions referred to in subsections (a) and
8 (b), based on the totality of the participation by the former
9 officer, member, or State employee in those decisions. A
10 determination by an Inspector General must be in writing,
11 signed and dated by the Inspector General, and delivered to
12 the subject of the determination within 10 calendar days or
13 the person is deemed eligible for the employment opportunity.
14 For purposes of this subsection, "appropriate Inspector
15 General" means (i) for members and employees of the
16 legislative branch, the Legislative Inspector General; (ii)
17 for the Auditor General and employees of the Office of the
18 Auditor General, the Inspector General provided for in Section
19 30-5 of this Act; and (iii) for executive branch officers and
20 employees, the Inspector General having jurisdiction over the
21 officer or employee. Notice of any determination of an
22 Inspector General and of any such appeal shall be given to the
23 ultimate jurisdictional authority, the Attorney General, and
24 the Executive Ethics Commission.

25 (g) An Inspector General's determination regarding
26 restrictions under subsection (a) or (b) may be appealed to

1 the appropriate Ethics Commission by the person subject to the
2 decision or the Attorney General no later than the 10th
3 calendar day after the date of the determination.

4 On appeal, the Ethics Commission or Auditor General shall
5 seek, accept, and consider written public comments regarding a
6 determination. In deciding whether to uphold an Inspector
7 General's determination, the appropriate Ethics Commission or
8 Auditor General shall assess, in addition to any other
9 relevant information, the effect of the prospective employment
10 or relationship upon the decisions referred to in subsections
11 (a) and (b), based on the totality of the participation by the
12 former officer, member, or State employee in those decisions.
13 The Ethics Commission shall decide whether to uphold an
14 Inspector General's determination within 10 calendar days or
15 the person is deemed eligible for the employment opportunity.

16 (h) The following officers, members, or State employees
17 shall not, within a period of one year immediately after
18 termination of office or State employment, knowingly accept
19 employment or receive compensation or fees for services from a
20 person or entity if the person or entity or its parent or
21 subsidiary, during the year immediately preceding termination
22 of State employment, was a party to a State contract or
23 contracts with a cumulative value of \$25,000 or more involving
24 the officer, member, or State employee's State agency, or was
25 the subject of a regulatory or licensing decision involving
26 the officer, member, or State employee's State agency,

1 regardless of whether he or she participated personally and
2 substantially in the award of the State contract or contracts
3 or the making of the regulatory or licensing decision in
4 question:

5 (1) members or officers;

6 (2) members of a commission or board created by the
7 Illinois Constitution;

8 (3) persons whose appointment to office is subject to
9 the advice and consent of the Senate;

10 (4) the head of a department, commission, board,
11 division, bureau, authority, or other administrative unit
12 within the government of this State;

13 (5) chief procurement officers, State purchasing
14 officers, and their designees whose duties are directly
15 related to State procurement;

16 (6) chiefs of staff, deputy chiefs of staff, associate
17 chiefs of staff, assistant chiefs of staff, and deputy
18 governors;

19 (7) employees of the Illinois Racing Board; and

20 (8) employees of the Illinois Gaming Board.

21 (i) For the purposes of this Section, with respect to
22 officers or employees of a regional transit board, as defined
23 in this Act, the phrase "person or entity" does not include:

24 (i) the United States government, (ii) the State, (iii)
25 municipalities, as defined under Article VII, Section 1 of the
26 Illinois Constitution, (iv) units of local government, as

1 defined under Article VII, Section 1 of the Illinois
2 Constitution, or (v) school districts.

3 (Source: P.A. 101-31, eff. 6-28-19; 101-593, eff. 12-4-19.)

4 (Text of Section after amendment by P.A. 102-664)

5 Sec. 5-45. Procurement; revolving door prohibition.

6 (a) No former officer, member, or State employee, or
7 spouse or immediate family member living with such person,
8 shall, within a period of one year immediately after
9 termination of State employment, knowingly accept employment
10 or receive compensation or fees for services from a person or
11 entity if the officer, member, or State employee, during the
12 year immediately preceding termination of State employment,
13 participated personally and substantially in the award or
14 fiscal administration of State contracts, or the issuance of
15 State contract change orders, with a cumulative value of
16 \$25,000 or more to the person or entity, or its parent or
17 subsidiary.

18 (a-5) No officer, member, or spouse or immediate family
19 member living with such person shall, during the officer or
20 member's term in office or within a period of 2 years
21 immediately leaving office, hold an ownership interest, other
22 than a passive interest in a publicly traded company, in any
23 gaming license under the Illinois Gambling Act, the Video
24 Gaming Act, the Illinois Horse Racing Act of 1975, or the
25 Sports Wagering Act. Any member of the General Assembly or

1 spouse or immediate family member living with such person who
2 has an ownership interest, other than a passive interest in a
3 publicly traded company, in any gaming license under the
4 Illinois Gambling Act, the Illinois Horse Racing Act of 1975,
5 the Video Gaming Act, or the Sports Wagering Act at the time of
6 the effective date of this amendatory Act of the 101st General
7 Assembly shall divest himself or herself of such ownership
8 within one year after the effective date of this amendatory
9 Act of the 101st General Assembly. No State employee who works
10 for the Illinois Gaming Board or Illinois Racing Board or
11 spouse or immediate family member living with such person
12 shall, during State employment or within a period of 2 years
13 immediately after termination of State employment, hold an
14 ownership interest, other than a passive interest in a
15 publicly traded company, in any gaming license under the
16 Illinois Gambling Act, the Video Gaming Act, the Illinois
17 Horse Racing Act of 1975, or the Sports Wagering Act.

18 (a-10) This subsection (a-10) applies on and after June
19 25, 2021. No officer, member, or spouse or immediate family
20 member living with such person, shall, during the officer or
21 member's term in office or within a period of 2 years
22 immediately after leaving office, hold an ownership interest,
23 other than a passive interest in a publicly traded company, in
24 any cannabis business establishment which is licensed under
25 the Cannabis Regulation and Tax Act. Any member of the General
26 Assembly or spouse or immediate family member living with such

1 person who has an ownership interest, other than a passive
2 interest in a publicly traded company, in any cannabis
3 business establishment which is licensed under the Cannabis
4 Regulation and Tax Act at the time of the effective date of
5 this amendatory Act of the 101st General Assembly shall divest
6 himself or herself of such ownership within one year after the
7 effective date of this amendatory Act of the 101st General
8 Assembly.

9 No State employee who works for any State agency that
10 regulates cannabis business establishment license holders who
11 participated personally and substantially in the award of
12 licenses under the Cannabis Regulation and Tax Act or a spouse
13 or immediate family member living with such person shall,
14 during State employment or within a period of 2 years
15 immediately after termination of State employment, hold an
16 ownership interest, other than a passive interest in a
17 publicly traded company, in any cannabis license under the
18 Cannabis Regulation and Tax Act.

19 (b) No former officer of the executive branch or State
20 employee of the executive branch with regulatory or licensing
21 authority, or spouse or immediate family member living with
22 such person, shall, within a period of one year immediately
23 after termination of State employment, knowingly accept
24 employment or receive compensation or fees for services from a
25 person or entity if the officer or State employee, during the
26 year immediately preceding termination of State employment,

1 participated personally and substantially in making a
2 regulatory or licensing decision that directly applied to the
3 person or entity, or its parent or subsidiary.

4 (b-5) Beginning January 1, 2022, no former officer of the
5 executive branch shall engage in activities at the State level
6 that require registration under the Lobbyist Registration Act
7 during the term of which he or she was elected or appointed
8 until 6 months after leaving office.

9 (b-7) Beginning the second Wednesday in January of 2023,
10 no former member shall engage in activities at the State level
11 that require registration under the Lobbyist Registration Act
12 until 2 years ~~in a General Assembly of which he or she was a~~
13 ~~member until 6 months~~ after leaving office.

14 (c) Within 6 months after the effective date of this
15 amendatory Act of the 96th General Assembly, each executive
16 branch constitutional officer and legislative leader, the
17 Auditor General, and the Joint Committee on Legislative
18 Support Services shall adopt a policy delineating which State
19 positions under his or her jurisdiction and control, by the
20 nature of their duties, may have the authority to participate
21 personally and substantially in the award or fiscal
22 administration of State contracts or in regulatory or
23 licensing decisions. The Governor shall adopt such a policy
24 for all State employees of the executive branch not under the
25 jurisdiction and control of any other executive branch
26 constitutional officer.

1 The policies required under subsection (c) of this Section
2 shall be filed with the appropriate ethics commission
3 established under this Act or, for the Auditor General, with
4 the Office of the Auditor General.

5 (d) Each Inspector General shall have the authority to
6 determine that additional State positions under his or her
7 jurisdiction, not otherwise subject to the policies required
8 by subsection (c) of this Section, are nonetheless subject to
9 the notification requirement of subsection (f) below due to
10 their involvement in the award or fiscal administration of
11 State contracts or in regulatory or licensing decisions.

12 (e) The Joint Committee on Legislative Support Services,
13 the Auditor General, and each of the executive branch
14 constitutional officers and legislative leaders subject to
15 subsection (c) of this Section shall provide written
16 notification to all employees in positions subject to the
17 policies required by subsection (c) or a determination made
18 under subsection (d): (1) upon hiring, promotion, or transfer
19 into the relevant position; and (2) at the time the employee's
20 duties are changed in such a way as to qualify that employee.
21 An employee receiving notification must certify in writing
22 that the person was advised of the prohibition and the
23 requirement to notify the appropriate Inspector General in
24 subsection (f).

25 (f) Any State employee in a position subject to the
26 policies required by subsection (c) or to a determination

1 under subsection (d), but who does not fall within the
2 prohibition of subsection (h) below, who is offered non-State
3 employment during State employment or within a period of one
4 year immediately after termination of State employment shall,
5 prior to accepting such non-State employment, notify the
6 appropriate Inspector General. Within 10 calendar days after
7 receiving notification from an employee in a position subject
8 to the policies required by subsection (c), such Inspector
9 General shall make a determination as to whether the State
10 employee is restricted from accepting such employment by
11 subsection (a) or (b). In making a determination, in addition
12 to any other relevant information, an Inspector General shall
13 assess the effect of the prospective employment or
14 relationship upon decisions referred to in subsections (a) and
15 (b), based on the totality of the participation by the former
16 officer, member, or State employee in those decisions. A
17 determination by an Inspector General must be in writing,
18 signed and dated by the Inspector General, and delivered to
19 the subject of the determination within 10 calendar days or
20 the person is deemed eligible for the employment opportunity.
21 For purposes of this subsection, "appropriate Inspector
22 General" means (i) for members and employees of the
23 legislative branch, the Legislative Inspector General; (ii)
24 for the Auditor General and employees of the Office of the
25 Auditor General, the Inspector General provided for in Section
26 30-5 of this Act; and (iii) for executive branch officers and

1 employees, the Inspector General having jurisdiction over the
2 officer or employee. Notice of any determination of an
3 Inspector General and of any such appeal shall be given to the
4 ultimate jurisdictional authority, the Attorney General, and
5 the Executive Ethics Commission.

6 (g) An Inspector General's determination regarding
7 restrictions under subsection (a) or (b) may be appealed to
8 the appropriate Ethics Commission by the person subject to the
9 decision or the Attorney General no later than the 10th
10 calendar day after the date of the determination.

11 On appeal, the Ethics Commission or Auditor General shall
12 seek, accept, and consider written public comments regarding a
13 determination. In deciding whether to uphold an Inspector
14 General's determination, the appropriate Ethics Commission or
15 Auditor General shall assess, in addition to any other
16 relevant information, the effect of the prospective employment
17 or relationship upon the decisions referred to in subsections
18 (a) and (b), based on the totality of the participation by the
19 former officer, member, or State employee in those decisions.
20 The Ethics Commission shall decide whether to uphold an
21 Inspector General's determination within 10 calendar days or
22 the person is deemed eligible for the employment opportunity.

23 (h) The following officers, members, or State employees
24 shall not, within a period of one year immediately after
25 termination of office or State employment, knowingly accept
26 employment or receive compensation or fees for services from a

1 person or entity if the person or entity or its parent or
2 subsidiary, during the year immediately preceding termination
3 of State employment, was a party to a State contract or
4 contracts with a cumulative value of \$25,000 or more involving
5 the officer, member, or State employee's State agency, or was
6 the subject of a regulatory or licensing decision involving
7 the officer, member, or State employee's State agency,
8 regardless of whether he or she participated personally and
9 substantially in the award or fiscal administration of the
10 State contract or contracts or the making of the regulatory or
11 licensing decision in question:

12 (1) members or officers;

13 (2) members of a commission or board created by the
14 Illinois Constitution;

15 (3) persons whose appointment to office is subject to
16 the advice and consent of the Senate;

17 (4) the head of a department, commission, board,
18 division, bureau, authority, or other administrative unit
19 within the government of this State;

20 (5) chief procurement officers, State purchasing
21 officers, and their designees whose duties are directly
22 related to State procurement;

23 (6) chiefs of staff, deputy chiefs of staff, associate
24 chiefs of staff, assistant chiefs of staff, and deputy
25 governors, or any other position that holds an equivalent
26 level of managerial oversight;

1 (7) employees of the Illinois Racing Board; and

2 (8) employees of the Illinois Gaming Board.

3 (i) For the purposes of this Section, with respect to
4 officers or employees of a regional transit board, as defined
5 in this Act, the phrase "person or entity" does not include:
6 (i) the United States government, (ii) the State, (iii)
7 municipalities, as defined under Article VII, Section 1 of the
8 Illinois Constitution, (iv) units of local government, as
9 defined under Article VII, Section 1 of the Illinois
10 Constitution, or (v) school districts.

11 (Source: P.A. 101-31, eff. 6-28-19; 101-593, eff. 12-4-19;
12 102-664, eff. 1-1-22.)

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.