

SB0055



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0055

Introduced 1/29/2021, by Sen. Darren Bailey

SYNOPSIS AS INTRODUCED:

5 ILCS 430/5-45

Amends the State Officials and Employees Ethics Act. Provides that any member of the General Assembly who takes office on or after the effective date of this amendatory Act shall not, within a 2-year period immediately following termination of the member's most recent term of office, register as a lobbyist and engage in lobbying with members of the General Assembly. Effective immediately.

LRB102 10130 RJF 15452 b

A BILL FOR

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

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

19 (a-5) 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 leaving office, hold an ownership interest, other
23 than a passive interest in a publicly traded company, in any

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

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

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

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

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

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

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

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

23 (d) Each Inspector General shall have the authority to
24 determine that additional State positions under his or her
25 jurisdiction, not otherwise subject to the policies required
26 by subsection (c) of this Section, are nonetheless subject to

1 the notification requirement of subsection (f) below due to
2 their involvement in the award of State contracts or in
3 regulatory or licensing decisions.

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

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

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

24 (g) An Inspector General's determination regarding
25 restrictions under subsection (a) or (b) may be appealed to
26 the appropriate Ethics Commission by the person subject to the

1 decision or the Attorney General no later than the 10th
2 calendar day after the date of the determination.

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

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

1 substantially in the award of the State contract or contracts
2 or the making of the regulatory or licensing decision in
3 question:

4 (1) members or officers;

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

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

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

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

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

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

19 (8) employees of the Illinois Gaming Board.

20 (h-5) Any member who takes office on or after the
21 effective date of this amendatory Act of the 102nd General
22 Assembly shall not, within a 2-year period immediately
23 following termination of the member's most recent term of
24 office, register as a lobbyist, as provided under Section 3 of
25 the Lobbyist Registration Act, and engage in lobbying with
26 members of the General Assembly.

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

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.