

SB0549



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0549

Introduced 2/23/2021, by Sen. Jil Tracy

SYNOPSIS AS INTRODUCED:

5 ILCS 420/2-115 new
5 ILCS 430/5-45

Amends the Illinois Governmental Ethics Act. Provides limitations concerning employment of a member of the General Assembly by a lobbying entity. Amends the State Officials and Employees Ethics Act. Provides a revolving door prohibition on former members of the General Assembly lobbying the General Assembly within a specified period of time. Makes conforming changes. Effective immediately.

LRB102 05085 RJF 15104 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 Illinois Governmental Ethics Act is amended
5 by adding Section 2-115 as follows:

6 (5 ILCS 420/2-115 new)

7 Sec. 2-115. Future employment with lobbying entity. No
8 legislator may, during his or her term of office, negotiate
9 for employment with a lobbying entity, as that term is defined
10 in Section 2 of the Lobbyist Registration Act, if that
11 lobbying entity engages in lobbying with members of the
12 General Assembly during the legislator's term of office.

13 Section 10. The State Officials and Employees Ethics Act
14 is amended by changing Section 5-45 as follows:

15 (5 ILCS 430/5-45)

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

17 (a) No former officer, member, or State employee, or
18 spouse or immediate family member living with such person,
19 shall, within a period of one year immediately after
20 termination of State employment, knowingly accept employment
21 or receive compensation or fees for services from a person or

1 entity if the officer, member, or State employee, during the
2 year immediately preceding termination of State employment,
3 participated personally and substantially in the award of
4 State contracts, or the issuance of State contract change
5 orders, with a cumulative value of \$25,000 or more to the
6 person or entity, or its parent or subsidiary.

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

1 immediately after termination of State employment, hold an
2 ownership interest, other than a passive interest in a
3 publicly traded company, in any gaming license under the
4 Illinois Gambling Act, the Video Gaming Act, the Illinois
5 Horse Racing Act of 1975, or the Sports Wagering Act.

6 (a-10) This subsection (a-10) applies on and after June
7 25, 2021. No officer, member, or spouse or immediate family
8 member living with such person, shall, during the officer or
9 member's term in office or within a period of 2 years
10 immediately after leaving office, hold an ownership interest,
11 other than a passive interest in a publicly traded company, in
12 any cannabis business establishment which is licensed under
13 the Cannabis Regulation and Tax Act. Any member of the General
14 Assembly or spouse or immediate family member living with such
15 person who has an ownership interest, other than a passive
16 interest in a publicly traded company, in any cannabis
17 business establishment which is licensed under the Cannabis
18 Regulation and Tax Act at the time of the effective date of
19 this amendatory Act of the 101st General Assembly shall divest
20 himself or herself of such ownership within one year after the
21 effective date of this amendatory Act of the 101st General
22 Assembly.

23 No State employee who works for any State agency that
24 regulates cannabis business establishment license holders who
25 participated personally and substantially in the award of
26 licenses under the Cannabis Regulation and Tax Act or a spouse

1 or immediate family member living with such person shall,
2 during State employment or within a period of 2 years
3 immediately after termination of State employment, hold an
4 ownership interest, other than a passive interest in a
5 publicly traded company, in any cannabis license under the
6 Cannabis Regulation and Tax Act.

7 (b) No former officer of the executive branch or State
8 employee of the executive branch with regulatory or licensing
9 authority, or spouse or immediate family member living with
10 such person, shall, within a period of one year immediately
11 after termination of State employment, knowingly accept
12 employment or receive compensation or fees for services from a
13 person or entity if the officer or State employee, during the
14 year immediately preceding termination of State employment,
15 participated personally and substantially in making a
16 regulatory or licensing decision that directly applied to the
17 person or entity, or its parent or subsidiary.

18 (c) Within 6 months after the effective date of this
19 amendatory Act of the 96th General Assembly, each executive
20 branch constitutional officer and legislative leader, the
21 Auditor General, and the Joint Committee on Legislative
22 Support Services shall adopt a policy delineating which State
23 positions under his or her jurisdiction and control, by the
24 nature of their duties, may have the authority to participate
25 personally and substantially in the award of State contracts
26 or in regulatory or licensing decisions. The Governor shall

1 adopt such a policy for all State employees of the executive
2 branch not under the jurisdiction and control of any other
3 executive branch constitutional officer.

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

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

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

1 subsection (f).

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

1 for the Auditor General and employees of the Office of the
2 Auditor General, the Inspector General provided for in Section
3 30-5 of this Act; and (iii) for executive branch officers and
4 employees, the Inspector General having jurisdiction over the
5 officer or employee. Notice of any determination of an
6 Inspector General and of any such appeal shall be given to the
7 ultimate jurisdictional authority, the Attorney General, and
8 the Executive Ethics Commission.

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

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

26 (h) The following officers, members, or State employees

1 shall not, within a period of one year immediately after
2 termination of office or State employment, knowingly accept
3 employment or receive compensation or fees for services from a
4 person or entity if the person or entity or its parent or
5 subsidiary, during the year immediately preceding termination
6 of State employment, was a party to a State contract or
7 contracts with a cumulative value of \$25,000 or more involving
8 the officer, member, or State employee's State agency, or was
9 the subject of a regulatory or licensing decision involving
10 the officer, member, or State employee's State agency,
11 regardless of whether he or she participated personally and
12 substantially in the award of the State contract or contracts
13 or the making of the regulatory or licensing decision in
14 question:

15 (1) members or officers;

16 (2) members of a commission or board created by the
17 Illinois Constitution;

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

20 (4) the head of a department, commission, board,
21 division, bureau, authority, or other administrative unit
22 within the government of this State;

23 (5) chief procurement officers, State purchasing
24 officers, and their designees whose duties are directly
25 related to State procurement;

26 (6) chiefs of staff, deputy chiefs of staff, associate

1 chiefs of staff, assistant chiefs of staff, and deputy
2 governors;

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

4 (8) employees of the Illinois Gaming Board.

5 (h-5) A member may not, within a period of one year after
6 leaving office or within a period of one year after the end of
7 the term of office to which the member was elected, whichever
8 is longer, engage in lobbying with members of the General
9 Assembly, if the member accepts compensation specifically
10 attributable to that lobbying. Nothing in this subsection
11 (h-5) prohibits a member from lobbying without compensation.

12 (i) For the purposes of this Section, with respect to
13 officers or employees of a regional transit board, as defined
14 in this Act, the phrase "person or entity" does not include:
15 (i) the United States government, (ii) the State, (iii)
16 municipalities, as defined under Article VII, Section 1 of the
17 Illinois Constitution, (iv) units of local government, as
18 defined under Article VII, Section 1 of the Illinois
19 Constitution, or (v) school districts.

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

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