



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0128

Introduced 1/24/2023, by Sen. Jil Tracy

SYNOPSIS AS INTRODUCED:

5 ILCS 430/5-45

Amends the State Officials and Employees Ethics Act. Provides that, during the 6 months after terminating service as an executive branch constitutional officer, a former executive branch constitutional officer shall not receive compensation or fees for services from a person or entity required to register under the Lobbyist Registration Act. Applies to executive branch constitutional officers who terminate service as an executive branch constitutional officer on or after the effective date of the amendatory Act.

LRB103 02798 DTM 47804 b

1 AN ACT concerning State 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 or
16 fiscal administration of State contracts, or the issuance of
17 State contract change orders, with a cumulative value of
18 \$25,000 or more to the person or entity, or its parent or
19 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 (b-5) Beginning January 1, 2022, no former officer of the
9 executive branch shall engage in activities at the State level
10 that require registration under the Lobbyist Registration Act
11 during the term of which he or she was elected or appointed
12 until 6 months after leaving office.

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

18 (b-9) During the 6 months after terminating service as an
19 executive branch constitutional officer, a former executive
20 branch constitutional officer shall not receive compensation
21 or fees for services from a person or entity required to
22 register under the Lobbyist Registration Act. This subsection
23 (b-9) applies to executive branch constitutional officers who
24 terminate service as an executive branch constitutional
25 officer on or after the effective date of this amendatory Act
26 of the 103rd General Assembly.

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

14 The policies required under subsection (c) of this Section
15 shall be filed with the appropriate ethics commission
16 established under this Act or, for the Auditor General, with
17 the Office of the Auditor General.

18 (d) Each Inspector General shall have the authority to
19 determine that additional State positions under his or her
20 jurisdiction, not otherwise subject to the policies required
21 by subsection (c) of this Section, are nonetheless subject to
22 the notification requirement of subsection (f) below due to
23 their involvement in the award or fiscal administration of
24 State contracts or in regulatory or licensing decisions.

25 (e) The Joint Committee on Legislative Support Services,
26 the Auditor General, and each of the executive branch

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

12 (f) Any State employee in a position subject to the
13 policies required by subsection (c) or to a determination
14 under subsection (d), but who does not fall within the
15 prohibition of subsection (h) below, who is offered non-State
16 employment during State employment or within a period of one
17 year immediately after termination of State employment shall,
18 prior to accepting such non-State employment, notify the
19 appropriate Inspector General. Within 10 calendar days after
20 receiving notification from an employee in a position subject
21 to the policies required by subsection (c), such Inspector
22 General shall make a determination as to whether the State
23 employee is restricted from accepting such employment by
24 subsection (a) or (b). In making a determination, in addition
25 to any other relevant information, an Inspector General shall
26 assess the effect of the prospective employment or

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

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

24 On appeal, the Ethics Commission or Auditor General shall
25 seek, accept, and consider written public comments regarding a
26 determination. In deciding whether to uphold an Inspector

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

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

25 (1) members or officers;

26 (2) members of a commission or board created by the

1 Illinois Constitution;

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

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

7 (5) chief procurement officers, State purchasing
8 officers, and their designees whose duties are directly
9 related to State procurement;

10 (6) chiefs of staff, deputy chiefs of staff, associate
11 chiefs of staff, assistant chiefs of staff, and deputy
12 governors, or any other position that holds an equivalent
13 level of managerial oversight;

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

15 (8) employees of the Illinois Gaming Board.

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

24 (Source: P.A. 101-31, eff. 6-28-19; 101-593, eff. 12-4-19;
25 102-664, eff. 1-1-22.)