



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3649

Introduced 2/10/2012, by Sen. Darin M. LaHood

SYNOPSIS AS INTRODUCED:

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

Amends the Illinois Governmental Ethics Act. Provides that no legislator may negotiate for employment with a lobbying entity that engages in lobbying with members of the General Assembly during the legislator's term of office. Amends the State Officials and Employees Ethics Act. Provides that a member may not, within a period of one year immediately after termination of the member's most recent term of office, engage in lobbying with members of the General Assembly, if the member accepts compensation specifically attributable to that lobbying.

LRB097 13488 PJG 58008 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 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 for
9 employment with a lobbying entity, as that term is defined in
10 Section 2 of the Lobbyist Registration Act, if that lobbying
11 entity engages in lobbying with members of the General Assembly
12 during the legislator's term of office.

13 Section 10. The State Officials and Employees Ethics Act is
14 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 spouse
18 or immediate family member living with such person, shall,
19 within a period of one year immediately after termination of
20 State employment, knowingly accept employment or receive
21 compensation or fees for services from a person or entity if

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

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 Support
22 Services shall adopt a policy delineating which State positions
23 under his or her jurisdiction and control, by the nature of
24 their duties, may have the authority to participate personally
25 and substantially in the award of State contracts or in
26 regulatory or licensing decisions. The Governor shall adopt

1 such a policy for all State employees of the executive branch
2 not under the jurisdiction and control of any other executive
3 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 by
11 subsection (c) of this Section, are nonetheless subject to the
12 notification requirement of subsection (f) below due to their
13 involvement in the award of State contracts or in regulatory or
14 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 that
25 the person was advised of the prohibition and the requirement
26 to notify the appropriate Inspector General in subsection (f).

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

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

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

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

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

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

23 (6) chiefs of staff, deputy chiefs of staff, associate
24 chiefs of staff, assistant chiefs of staff, and deputy
25 governors.

26 (i) A member may not, within a period of one year

1 immediately after termination of the member's most recent term
2 of office, engage in lobbying with members of the General
3 Assembly, if the member accepts compensation specifically
4 attributable to that lobbying. Nothing in this subsection (i)
5 prohibits a member from lobbying without compensation.

6 (Source: P.A. 96-555, eff. 8-18-09.)