

# HB3997



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3997

Introduced 1/8/2020, by Rep. Margo McDermed

#### SYNOPSIS AS INTRODUCED:

5 ILCS 430/5-45

Amends the State Officials and Employees Ethics Act. Provides that a member may not be registered as a lobbyist, or make expenditures, receive compensation, or receive reimbursement for actual expenses for lobbying, within a period of one year immediately after termination of the member's most recent term of office or for the remainder of the term of office from which the person resigned, whichever is longer.

LRB101 15270 RJF 64446 b

A BILL FOR

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 spouse  
9 or immediate family member living with such person, shall,  
10 within a period of one year immediately after termination of  
11 State employment, knowingly accept employment or receive  
12 compensation or fees for services from a person or entity if  
13 the officer, member, or State employee, during the year  
14 immediately preceding termination of State employment,  
15 participated personally and substantially in the award of State  
16 contracts, or the issuance of State contract change orders,  
17 with a cumulative value of \$25,000 or more to the person or  
18 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 Act  
12 of the 101st General Assembly. No State employee who works for  
13 the Illinois Gaming Board or Illinois Racing Board or spouse or  
14 immediate family member living with such person shall, during  
15 State employment or within a period of 2 years immediately  
16 after termination of State employment, hold an ownership  
17 interest, other than a passive interest in a publicly traded  
18 company, in any gaming license under the Illinois Gambling Act,  
19 the Video Gaming Act, the Illinois Horse Racing Act of 1975, or  
20 the Sports Wagering Act.

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

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

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

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

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

1 involvement in the award of State contracts or in regulatory or  
2 licensing decisions.

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

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

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

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

26 On appeal, the Ethics Commission or Auditor General shall

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

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

26 (1) members or officers;

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

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

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

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

11 (6) chiefs of staff, deputy chiefs of staff, associate  
12 chiefs of staff, assistant chiefs of staff, and deputy  
13 governors;

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

15 (8) employees of the Illinois Gaming Board.

16 (h-5) A member may not be registered as a lobbyist, or make  
17 expenditures, receive compensation, or receive reimbursement  
18 for actual expenses for lobbying, within a period of one year  
19 immediately after termination of the member's most recent term  
20 of office or for the remainder of the term of office from which  
21 the person resigned, whichever is longer.

22 (i) For the purposes of this Section, with respect to  
23 officers or employees of a regional transit board, as defined  
24 in this Act, the phrase "person or entity" does not include:  
25 (i) the United States government, (ii) the State, (iii)  
26 municipalities, as defined under Article VII, Section 1 of the



1 Illinois Constitution, (iv) units of local government, as  
2 defined under Article VII, Section 1 of the Illinois  
3 Constitution, or (v) school districts.  
4 (Source: P.A. 101-31, eff. 6-28-19.)