



Rep. Celina Villanueva

# Adopted in House on Nov 14, 2019

10100SB1557ham002

LRB101 08168 WGH 64786 a

1 AMENDMENT TO SENATE BILL 1557

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1557, AS AMENDED,  
3 with reference to page and line numbers of House Amendment No.  
4 1, on page 1, lines 4 and 5 by replacing "The Election Code is  
5 amended by changing Section 9-45 as follows:" with "The State  
6 Officials and Employees Ethics Act is amended by changing  
7 Section 5-45 as follows:"; and

8 by replacing line 6 on page 1 through line 8 on page 2 with the  
9 following:

10 "(5 ILCS 430/5-45)

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

12 (a) No former officer, member, or State employee, or spouse  
13 or immediate family member living with such person, shall,  
14 within a period of one year immediately after termination of  
15 State employment, knowingly accept employment or receive  
16 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 (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 Act  
23 of the 101st General Assembly. No State employee who works for  
24 the Illinois Gaming Board or Illinois Racing Board or spouse or  
25 immediate family member living with such person shall, during  
26 State employment or within a period of 2 years immediately

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

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

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

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



1 (8) employees of the Illinois Gaming Board.

2 (i) For the purposes of this Section, with respect to  
3 officers or employees of a regional transit board, as defined  
4 in this Act, the phrase "person or entity" does not include:

5 (i) the United States government, (ii) the State, (iii)  
6 municipalities, as defined under Article VII, Section 1 of the  
7 Illinois Constitution, (iv) units of local government, as  
8 defined under Article VII, Section 1 of the Illinois  
9 Constitution, or (v) school districts.

10 (Source: P.A. 101-31, eff. 6-28-19.)"; and

11 by replacing line 12 on page 5 through line 2 on page 6 with the  
12 following:

13 "(G-5) "Minor Cannabis Offense" means a violation  
14 of Section 4 or 5 of the Cannabis Control Act  
15 concerning not more than 30 grams of any substance  
16 containing cannabis, provided the violation did not  
17 include a penalty enhancement under Section 7 of the  
18 Cannabis Control Act and is not associated with an  
19 arrest, conviction or other disposition for a violent  
20 crime as defined in subsection (c) of Section 3 of the  
21 Rights of Crime Victims and Witnesses Act."; and

22 on page 42, by replacing lines 17 through 25 with the  
23 following:

24 "documented in the records; and

1                   (ii) No criminal charges were filed relating  
2                   to the arrest or law enforcement interaction or  
3                   criminal charges were filed and subsequently  
4                   dismissed or vacated or the arrestee was  
5                   acquitted."; and

6                   on page 108, lines 24 through 26, by replacing "~~Cannabis~~ does  
7                   not include industrial hemp as defined and authorized under the  
8                   ~~Industrial Hemp Act.~~" with "'Cannabis" does not include  
9                   industrial hemp as defined and authorized under the Industrial  
10                   Hemp Act."; and

11                   on page 109, line 3, after "organization,", by inserting  
12                   "infuser organization,"; and

13                   on page 151, line 11, by replacing "wildlife area" with  
14                   "wildlife area,"; and

15                   on page 151, line 12, after "State", by inserting "or a unit of  
16                   local government"; and

17                   on page 165, by replacing lines 16 and 17 with the following:

18                   "seek a license or a licensee that qualifies as a  
19                   Social Equity Applicant ~~for at least a year~~. As used in  
20                   this"; and

1 on page 177, by replacing lines 8 and 9 with the following:

2 "\$100,000 and mentorship to incubate, for at least a year,  
3 a Social Equity Applicant intending to seek a license or a  
4 licensee that qualifies as a Social Equity Applicant ~~for at~~  
5 ~~least a year.~~"; and

6 on page 250, by replacing lines 25 and 26 with the following:

7 "\$100,000 and mentorship to incubate, for at least a  
8 year, a Social Equity Applicant intending to seek a  
9 license or a licensee that qualifies as a Social Equity  
10 Applicant. As used in this"; and

11 by replacing line 19 on page 348 through line 3 on page 349  
12 with the following:

13 "(g) The Department of Human Services ~~Public Health~~ shall  
14 develop and disseminate:

15 (1) educational information about the health risks  
16 associated with the use of cannabis; and

17 (2) one or more public education campaigns in  
18 coordination with local health departments and community  
19 organizations, including one or more prevention campaigns  
20 directed at children, adolescents, parents, and pregnant  
21 or breastfeeding women, to inform them of the potential  
22 health risks associated with intentional or unintentional  
23 cannabis use."; and

1 by replacing line 15 on page 357 through line 4 on page 358  
2 with the following:

3 "(410 ILCS 705/55-95)

4 Sec. 55-95. Conflict of interest. A person is ineligible to  
5 apply for, hold, or own financial or voting interest, other  
6 than a passive interest in a publicly traded company, in any  
7 cannabis business license under this Act if, within a 2-year  
8 period from the effective date of this Act, the person or his  
9 or her spouse or immediate ~~immediately~~ family member was a  
10 member of the General Assembly or a State employee at an agency  
11 that regulates cannabis business establishment license holders  
12 who participated personally and substantially in the award of  
13 licenses under this Act. A person who violates this Section  
14 shall be guilty under subsection (b) of Section 50-5 of the  
15 State Officials and Employees Ethics Act.  
16 (Source: P.A. 101-27, eff. 6-25-19.)".