

# HB2651



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2651

Introduced 2/19/2021, by Rep. Fred Crespo

### SYNOPSIS AS INTRODUCED:

5 ILCS 430/5-45

Amends the State Officials and Employees Ethics Act. Modifies provisions concerning procurement and revolving door prohibitions to include specified persons involved in the fiscal administration of State contracts. Makes other changes concerning persons subject to a specified revolving door prohibition. Effective immediately.

LRB102 15099 RJF 20454 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 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 of or  
16 the fiscal administration of State contracts, or the issuance  
17 of 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 (c) Within 6 months after the effective date of this  
9 amendatory Act of the 96th General Assembly, each executive  
10 branch constitutional officer and legislative leader, the  
11 Auditor General, and the Joint Committee on Legislative  
12 Support Services shall adopt a policy delineating which State  
13 positions under his or her jurisdiction and control, by the  
14 nature of their duties, may have the authority to participate  
15 personally and substantially in the award of or the fiscal  
16 administration of State contracts or in regulatory or  
17 licensing decisions. The Governor shall adopt such a policy  
18 for all State employees of the executive branch not under the  
19 jurisdiction and control of any other executive branch  
20 constitutional officer.

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

25 (d) Each Inspector General shall have the authority to  
26 determine that additional State positions under his or her

1 jurisdiction, not otherwise subject to the policies required  
2 by subsection (c) of this Section, are nonetheless subject to  
3 the notification requirement of subsection (f) below due to  
4 their involvement in the award of or the fiscal administration  
5 of State contracts or in regulatory or licensing decisions.

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

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

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

26 (g) An Inspector General's determination regarding

1 restrictions under subsection (a) or (b) may be appealed to  
2 the appropriate Ethics Commission by the person subject to the  
3 decision or the Attorney General no later than the 10th  
4 calendar day after the date of the determination.

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

17 (h) The following officers, members, or State employees  
18 shall not, within a period of one year immediately after  
19 termination of office or State employment, knowingly accept  
20 employment or receive compensation or fees for services from a  
21 person or entity if the person or entity or its parent or  
22 subsidiary, during the year immediately preceding termination  
23 of State employment, was a party to a State contract or  
24 contracts with a cumulative value of \$25,000 or more involving  
25 the officer, member, or State employee's State agency, or was  
26 the subject of a regulatory or licensing decision involving



1 the officer, member, or State employee's State agency,  
2 regardless of whether he or she participated personally and  
3 substantially in the award of or the fiscal administration of  
4 the State contract or contracts or the making of the  
5 regulatory or licensing decision in question:

6 (1) members or officers;

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

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

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

14 (5) chief procurement officers, State purchasing  
15 officers, and their designees whose duties are directly  
16 related to State procurement;

17 (6) chiefs of staff, deputy chiefs of staff, associate  
18 chiefs of staff, assistant chiefs of staff, ~~and~~ deputy  
19 governors, or any other position that holds an equivalent  
20 level of managerial oversight;

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

22 (8) employees of the Illinois Gaming Board.

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

26 (i) the United States government, (ii) the State, (iii)

1 municipalities, as defined under Article VII, Section 1 of the  
2 Illinois Constitution, (iv) units of local government, as  
3 defined under Article VII, Section 1 of the Illinois  
4 Constitution, or (v) school districts.

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

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.