

# HB2749



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB2749**

Introduced 2/19/2021, by Rep. Suzanne Ness

#### SYNOPSIS AS INTRODUCED:

5 ILCS 430/5-45

Amends the State Officials and Employees Ethics Act. Provides that no former member of the General Assembly shall, within a period of 2 years immediately following the end of his or her term of office in the General Assembly, engage in lobbying or any other activity that would require registration under the Lobbyist Registration Act.

LRB102 13897 RJF 19248 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  
16 State contracts, or the issuance of State contract change  
17 orders, with a cumulative value of \$25,000 or more to the  
18 person or 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  
12 Act of the 101st General Assembly. No State employee who works  
13 for the Illinois Gaming Board or Illinois Racing Board or  
14 spouse or immediate family member living with such person  
15 shall, during State employment or within a period of 2 years  
16 immediately after termination of State employment, hold an  
17 ownership interest, other than a passive interest in a  
18 publicly traded company, in any gaming license under the  
19 Illinois Gambling Act, the Video Gaming Act, the Illinois  
20 Horse Racing Act of 1975, or the Sports Wagering Act.

21 (a-10) This subsection (a-10) applies on and after June  
22 25, 2021. No officer, member, or spouse or immediate family  
23 member living with such person, shall, during the officer or  
24 member's term in office or within a period of 2 years  
25 immediately after leaving office, hold an ownership interest,  
26 other than a passive interest in a publicly traded company, in

1 any cannabis business establishment which is licensed under  
2 the Cannabis Regulation and Tax Act. Any member of the General  
3 Assembly or spouse or immediate family member living with such  
4 person who has an ownership interest, other than a passive  
5 interest in a publicly traded company, in any cannabis  
6 business establishment which is licensed under the Cannabis  
7 Regulation and Tax Act at the time of the effective date of  
8 this amendatory Act of the 101st General Assembly shall divest  
9 himself or herself of such ownership within one year after the  
10 effective date of this amendatory Act of the 101st General  
11 Assembly.

12 No State employee who works for any State agency that  
13 regulates cannabis business establishment license holders who  
14 participated personally and substantially in the award of  
15 licenses under the Cannabis Regulation and Tax Act or a spouse  
16 or immediate family member living with such person shall,  
17 during State employment or within a period of 2 years  
18 immediately after termination of State employment, hold an  
19 ownership interest, other than a passive interest in a  
20 publicly traded company, in any cannabis license under the  
21 Cannabis Regulation and Tax Act.

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

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

7 (b-5) No former member of the General Assembly shall,  
8 within a period of 2 years immediately following the end of his  
9 or her term of office in the General Assembly, engage in  
10 lobbying, as defined under the Lobbyist Registration Act, or  
11 any other activity that would require registration under the  
12 Lobbyist Registration Act.

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

25 The policies required under subsection (c) of this Section  
26 shall be filed with the appropriate ethics commission

1 established under this Act or, for the Auditor General, with  
2 the Office of the Auditor General.

3 (d) Each Inspector General shall have the authority to  
4 determine that additional State positions under his or her  
5 jurisdiction, not otherwise subject to the policies required  
6 by subsection (c) of this Section, are nonetheless subject to  
7 the notification requirement of subsection (f) below due to  
8 their involvement in the award of State contracts or in  
9 regulatory or licensing decisions.

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

23 (f) Any State employee in a position subject to the  
24 policies required by subsection (c) or to a determination  
25 under subsection (d), but who does not fall within the  
26 prohibition of subsection (h) below, who is offered non-State

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

1 Inspector General and of any such appeal shall be given to the  
2 ultimate jurisdictional authority, the Attorney General, and  
3 the Executive Ethics Commission.

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

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

21 (h) The following officers, members, or State employees  
22 shall not, within a period of one year immediately after  
23 termination of office or State employment, knowingly accept  
24 employment or receive compensation or fees for services from a  
25 person or entity if the person or entity or its parent or  
26 subsidiary, during the year immediately preceding termination



1 of State employment, was a party to a State contract or  
2 contracts with a cumulative value of \$25,000 or more involving  
3 the officer, member, or State employee's State agency, or was  
4 the subject of a regulatory or licensing decision involving  
5 the officer, member, or State employee's State agency,  
6 regardless of whether he or she participated personally and  
7 substantially in the award of the State contract or contracts  
8 or the making of the regulatory or licensing decision in  
9 question:

10 (1) members or officers;

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

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

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

18 (5) chief procurement officers, State purchasing  
19 officers, and their designees whose duties are directly  
20 related to State procurement;

21 (6) chiefs of staff, deputy chiefs of staff, associate  
22 chiefs of staff, assistant chiefs of staff, and deputy  
23 governors;

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

25 (8) employees of the Illinois Gaming Board.

26 (i) For the purposes of this Section, with respect to

1 officers or employees of a regional transit board, as defined  
2 in this Act, the phrase "person or entity" does not include:  
3 (i) the United States government, (ii) the State, (iii)  
4 municipalities, as defined under Article VII, Section 1 of the  
5 Illinois Constitution, (iv) units of local government, as  
6 defined under Article VII, Section 1 of the Illinois  
7 Constitution, or (v) school districts.

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