



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0742

Introduced 2/8/2007, by Sen. Kirk W. Dillard

SYNOPSIS AS INTRODUCED:

5 ILCS 430/5-45
30 ILCS 500/50-30

Amends the State Officials and Employees Ethics Act. Prohibits an officer, member, or State employee, for one year after most recently commencing State service, from knowingly participating in procurement, regulatory, or licensing decisions directly related to a person or entity that employed or compensated that officer, member, or employee, or his or her spouse or certain family members, during the year before the commencement of State employment. Permits waivers of the prohibitions on the same basis as the Act's current revolving door prohibition. Amends the Illinois Procurement Code. Prohibits specified procurement officials and executive officers confirmed by the Senate, during the first year in that position, from making procurement decisions relating to a person or entity that employed or compensated the official during the 2 years before commencing the affected position. Effective immediately.

LRB095 06867 JAM 26985 b

1 AN ACT concerning ethics.

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 decision to
16 award State contracts with a cumulative value of over \$25,000
17 to the person or entity, or its parent or subsidiary.

18 (a-5) No officer, member, or State employee shall, within a
19 period of one year immediately after the most recent
20 commencement of State employment, knowingly participate
21 personally and substantially in the decision to award State
22 contracts with a cumulative value of over \$25,000 to a person
23 or entity, or its parent or subsidiary, that employed, or

1 compensated for services, the officer, member, or State
2 employee, or spouse or immediate family member living with such
3 person, during the year immediately preceding that
4 commencement of State employment.

5 (b) No former officer of the executive branch or State
6 employee of the executive branch with regulatory or licensing
7 authority, or spouse or immediate family member living with
8 such person, shall, within a period of one year immediately
9 after termination of State employment, knowingly accept
10 employment or receive compensation of fees for services from a
11 person or entity if the officer or State employee, during the
12 year immediately preceding termination of State employment,
13 made a regulatory or licensing decision that directly applied
14 to the person or entity, or its parent or subsidiary.

15 (b-5) No officer of the executive branch or State employee
16 of the executive branch with regulatory or licensing authority
17 shall, within a period of one year immediately after the most
18 recent commencement of State employment, knowingly make a
19 regulatory or licensing decision that directly applies to a
20 person or entity, or its parent or subsidiary, that employed,
21 or compensated for services, the officer or State employee, or
22 spouse or immediate family member living with such person,
23 during the year immediately preceding that commencement of
24 State employment.

25 (c) The requirements of this Section may be waived (i) for
26 the executive branch, in writing by the Executive Ethics

1 Commission, (ii) for the legislative branch, in writing by the
2 Legislative Ethics Commission, and (iii) for the Auditor
3 General, in writing by the Auditor General. During the time
4 period from the effective date of this amendatory Act of the
5 93rd General Assembly until the Executive Ethics Commission
6 first meets, the requirements of this Section may be waived in
7 writing by the appropriate ultimate jurisdictional authority.
8 During the time period from the effective date of this
9 amendatory Act of the 93rd General Assembly until the
10 Legislative Ethics Commission first meets, the requirements of
11 this Section may be waived in writing by the appropriate
12 ultimate jurisdictional authority. The waiver shall be granted
13 upon a showing that (i) the prospective employment or
14 relationship did not affect the decisions referred to in
15 subsections ~~sections~~ (a) and (b) or (ii) the previous
16 employment or relationship does not affect the decisions
17 referred to in subsections (a-5) and (b-5).

18 (d) This Section applies only to persons who, in the case
19 of subsection (a) or (b), terminate an affected position on or
20 after the effective date of this amendatory Act of the 93rd
21 General Assembly or, in the case of subsection (a-5) or (b-5),
22 commence an affected position on or after the effective date of
23 this amendatory Act of the 95th General Assembly.

24 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

25 Section 10. The Illinois Procurement Code is amended by

1 changing Section 50-30 as follows:

2 (30 ILCS 500/50-30)

3 Sec. 50-30. Revolving door prohibition.

4 (a) Chief procurement officers, associate procurement
5 officers, State purchasing officers, their designees whose
6 principal duties are directly related to State procurement, and
7 executive officers confirmed by the Senate are expressly
8 prohibited for a period of 2 years after terminating an
9 affected position from engaging in any procurement activity
10 relating to the State agency most recently employing them in an
11 affected position for a period of at least 6 months. The
12 prohibition includes but is not limited to: lobbying the
13 procurement process; specifying; bidding; proposing bid,
14 proposal, or contract documents; on their own behalf or on
15 behalf of any firm, partnership, association, or corporation.
16 This subsection applies only to persons who terminate an
17 affected position on or after January 15, 1999.

18 (a-5) Chief procurement officers, associate procurement
19 officers, State purchasing officers, their designees whose
20 principal duties are directly related to State procurement, and
21 executive officers confirmed by the Senate are expressly
22 prohibited for a period of one year after most recently
23 commencing an affected position from engaging in any
24 procurement activity relating to any person or entity, or its
25 parent or subsidiary, that employed, or compensated for

1 services, the chief procurement officer, associate procurement
2 officer, State purchasing officer, designee, or executive
3 officer during the 2 years immediately preceding that
4 commencement of the affected position.

5 (b) In addition to any other provisions of this Code,
6 employment of former State employees and the activity of
7 procurement officials, their designees, and executive officers
8 are ~~is~~ subject to the State Officials and Employees Ethics Act.
9 (Source: P.A. 93-615, eff. 11-19-03.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.