



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0260

Introduced 1/20/2009, by Rep. John A. Fritchey

SYNOPSIS AS INTRODUCED:

5 ILCS 430/5-45

Amends the State Officials and Employees Ethics Act. Makes changes with respect to the revolving door prohibition. Sets the trigger at contracts with a cumulative value of over \$50,000 (now, \$25,000), and removes the requirement that the procurement participation of the former officer, member, or State employee was personal and substantial. Requires that the former officer, member, or State employee participated in making (now, made) a regulatory or licensing decision. Requires that a person subject to the revolving door prohibition must report to the appropriate ethics officer any offer of employment, compensation, or fees for services from a person or entity, or the entity's parent or subsidiary, that, during the last year of State service by the relevant officer, member, or State employee, sought or received (i) State contracts of more than \$50,000 or (ii) a directly applicable regulatory or licensing decision. Provides penalties for failure to report within 5 business days after an offer. Permits (now, requires) granting of a waiver upon a showing that the prospective employment or relationship did not affect the procurement or regulatory decision. Provides that a showing must include at least a filed report. Prohibits the granting of a waiver to a person who has failed to file a report.

LRB096 04440 JAM 14491 b

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 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 \$50,000
17 ~~\$25,000~~ to the person or entity, or its parent or subsidiary.

18 (b) No former officer of the executive branch or State
19 employee of the executive branch with regulatory or licensing
20 authority, or spouse or immediate family member living with
21 such person, shall, within a period of one year immediately
22 after termination of State employment, knowingly accept
23 employment or receive compensation of 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 in making ~~made~~ a regulatory or licensing decision
4 that directly applied to the person or entity, or its parent or
5 subsidiary.

6 (c) The requirements of this Section may be waived (i) for
7 the executive branch, in writing by the Executive Ethics
8 Commission, (ii) for the legislative branch, in writing by the
9 Legislative Ethics Commission, and (iii) for the Auditor
10 General, in writing by the Auditor General. During the time
11 period from the effective date of this amendatory Act of the
12 93rd General Assembly until the Executive Ethics Commission
13 first meets, the requirements of this Section may be waived in
14 writing by the appropriate ultimate jurisdictional authority.
15 During the time period from the effective date of this
16 amendatory Act of the 93rd General Assembly until the
17 Legislative Ethics Commission first meets, the requirements of
18 this Section may be waived in writing by the appropriate
19 ultimate jurisdictional authority. The waiver may ~~shall~~ be
20 granted upon a showing that the prospective employment or
21 relationship did not affect the decisions referred to in
22 sections (a) and (b). At a minimum the showing shall include a
23 report filed pursuant to subsection (c-5) or (c-10) as a result
24 of the offer of prospective employment.

25 (c-5) Any person subject to the restrictions of subsection
26 (a) must report any offer of employment, compensation, or fees

1 for services from a person or entity, or the entity's parent or
2 subsidiary, who, during the year immediately preceding
3 termination of State service by the person seeking a waiver
4 pursuant to subsection (c) or by the former officer, member, or
5 State employee when the person seeking a waiver is a spouse or
6 immediate family member, sought or received State contracts
7 with a cumulative value of more than \$50,000. The report must
8 be filed with the appropriate ethics officer. All such reports
9 shall be available to the public for inspection. At a minimum,
10 the report must contain the date of the offer, the source of
11 the offer, and the nature of employment, compensation, or fees
12 for services offered. Failure to file a report within 5
13 business days after the initial offer shall result in
14 discipline or discharge by the appropriate ultimate
15 jurisdictional authority.

16 (c-10) Any person subject to the restrictions of subsection
17 (b) must report any offer of employment, compensation, or fees
18 for services from a person or entity, or the entity's parent or
19 subsidiary, who, during the year immediately preceding
20 termination of State service by the person seeking a waiver
21 pursuant to subsection (c) or by the former State executive
22 branch constitutional officer or State employee when the person
23 seeking a waiver is a spouse or immediate family member, sought
24 or received a regulatory or licensing decision that directly
25 applied to the person or entity, or the entity's parent or
26 subsidiary. The report must be filed with the appropriate

1 ethics officer. All such reports shall be available to the
2 public for inspection. At a minimum, the report must contain
3 the date of the offer, the source of the offer, and the nature
4 of employment, compensation, or fees for services offered.
5 Failure to file a report within 5 business days after the
6 initial offer shall result in discipline or discharge by the
7 appropriate ultimate jurisdictional authority.

8 (c-15) Any person seeking a waiver under subsection (c) who
9 fails to file a report as required by subsection (c-5) or
10 (c-10) within 5 business days after the initial offer shall not
11 be granted a waiver.

12 (d) This Section applies only to persons who terminate an
13 affected position on or after the effective date of this
14 amendatory Act of the 93rd General Assembly.

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