



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0371

Introduced 1/30/2009, by Rep. Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

5 ILCS 430/5-45

Amends the State Officials and Employees Ethics Act. With respect to the procurement revolving door prohibition, removes the requirement that the procurement participation by the former State executive branch constitutional officer, legislator, or employee was personal and substantial. Requires that the appropriate ethics commission or Auditor General conduct a public hearing, at which public comment may be offered, before granting or denying a waiver of the prohibition against the procurement or regulatory revolving door. In determining whether to grant or deny a waiver, requires that the appropriate ethics commission or Auditor General assess relevant information, including the effect of the prospective employment or relationship upon the procurement or regulatory decisions based on the totality of the participation by the former officer, legislator, or employee in those decisions (now, a waiver shall be granted upon a showing that the prospective employment or relationship did not affect the procurement or regulatory decisions). Effective immediately.

LRB096 04493 JAM 14545 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 \$25,000
17 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 made a regulatory or licensing decision that directly applied
4 to the person or entity, or its parent or subsidiary.

5 (c) The requirements of this Section may be waived (i) for
6 the executive branch, in writing by the Executive Ethics
7 Commission, (ii) for the legislative branch, in writing by the
8 Legislative Ethics Commission, and (iii) for the Auditor
9 General, in writing by the Auditor General. During the time
10 period from the effective date of this amendatory Act of the
11 93rd General Assembly until the Executive Ethics Commission
12 first meets, the requirements of this Section may be waived in
13 writing by the appropriate ultimate jurisdictional authority.
14 During the time period from the effective date of this
15 amendatory Act of the 93rd General Assembly until the
16 Legislative Ethics Commission first meets, the requirements of
17 this Section may be waived in writing by the appropriate
18 ultimate jurisdictional authority. The appropriate ethics
19 commission or Auditor General must conduct a public hearing, at
20 which public comment on the waiver may be offered, before
21 granting or denying a waiver. In determining whether to grant
22 or deny a waiver, the appropriate ethics commission or Auditor
23 General shall assess, in addition to any other relevant
24 information, the effect of the prospective employment or
25 relationship upon the decisions referred to in subsections (a)
26 and (b), based upon the totality of the participation by the

1 former officer, member, or State employee in those decisions.
2 ~~The waiver shall be granted upon a showing that the prospective~~
3 ~~employment or relationship did not affect the decisions~~
4 ~~referred to in sections (a) and (b).~~

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

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

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