



Rep. Jim Durkin

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LRB097 03241 JDS 59090 a

1 AMENDMENT TO HOUSE BILL 358

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 358 by replacing  
3 everything after the enacting clause with the following:

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 award of State  
16 contracts, or the issuance of State contract change orders,

1 with a cumulative value of \$25,000 or more to the person or  
2 entity, or its parent or subsidiary.

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

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

26 The policies required under subsection (c) of this Section

1 shall be filed with the appropriate ethics commission  
2 established under this Act or, for the Auditor General, with  
3 the Office of the Auditor General.

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

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

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

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

1 shall be given to the ultimate jurisdictional authority, the  
2 Attorney General, and the Executive Ethics Commission.

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

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

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

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

8 (1) members or officers;

9 (2) members of a commission or board created by the  
10 Illinois Constitution;

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

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

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

19 (6) chiefs of staff, deputy chiefs of staff, associate  
20 chiefs of staff, assistant chiefs of staff, and deputy  
21 governors.

22 (i) For the purposes of this Section, the phrase "person or  
23 entity" does not include: (i) the State, (ii) municipalities,  
24 as defined under Article VII, Section 1 of the Illinois  
25 Constitution, (iii) units of local government, as defined under  
26 Article VII, Section 1 of the Illinois Constitution, or (iv)

1 school districts.

2 (Source: P.A. 96-555, eff. 8-18-09.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.".