



Sen. Don Harmon

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LRB097 08733 HLH 56643 a

1 AMENDMENT TO HOUSE BILL 1717

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1717, AS AMENDED,  
3 with reference to page and line numbers of Senate Amendment No.  
4 1, on page 1, line 5, after "by", by inserting "changing  
5 Section 5-45 and by"; and

6 on page 1, immediately below line 5, by inserting the  
7 following:

8 "(5 ILCS 430/5-45)  
9 Sec. 5-45. Procurement; revolving door prohibition.

10 (a) No former officer, member, or State employee, or spouse  
11 or immediate family member living with such person, shall,  
12 within a period of one year immediately after termination of  
13 State employment, knowingly accept employment or receive  
14 compensation or fees for services from a person or entity if  
15 the officer, member, or State employee, during the year  
16 immediately preceding termination of State employment,

1 participated personally and substantially in the award of State  
2 contracts, or the issuance of State contract change orders,  
3 with a cumulative value of \$25,000 or more to the person or  
4 entity, or its parent or subsidiary.

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 or 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 participated personally and substantially in making a  
14 regulatory or licensing decision that directly applied to the  
15 person or entity, or its parent or subsidiary.

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

1 branch constitutional officer.

2 The policies required under subsection (c) of this Section  
3 shall be filed with the appropriate ethics commission  
4 established under this Act or, for the Auditor General, with  
5 the Office of the Auditor General.

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

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

25 (f) Any State employee in a position subject to the  
26 policies required by subsection (c) or to a determination under

1 subsection (d), but who does not fall within the prohibition of  
2 subsection (h) below, who is offered non-State employment  
3 during State employment or within a period of one year  
4 immediately after termination of State employment shall, prior  
5 to accepting such non-State employment, notify the appropriate  
6 Inspector General. Within 10 calendar days after receiving  
7 notification from an employee in a position subject to the  
8 policies required by subsection (c), such Inspector General  
9 shall make a determination as to whether the State employee is  
10 restricted from accepting such employment by subsection (a) or  
11 (b). In making a determination, in addition to any other  
12 relevant information, an Inspector General shall assess the  
13 effect of the prospective employment or relationship upon  
14 decisions referred to in subsections (a) and (b), based on the  
15 totality of the participation by the former officer, member, or  
16 State employee in those decisions. A determination by an  
17 Inspector General must be in writing, signed and dated by the  
18 Inspector General, and delivered to the subject of the  
19 determination within 10 calendar days or the person is deemed  
20 eligible for the employment opportunity. For purposes of this  
21 subsection, "appropriate Inspector General" means (i) for  
22 members and employees of the legislative branch, the  
23 Legislative Inspector General; (ii) for the Auditor General and  
24 employees of the Office of the Auditor General, the Inspector  
25 General provided for in Section 30-5 of this Act; and (iii) for  
26 executive branch officers and employees, the Inspector General

1 having jurisdiction over the officer or employee. Notice of any  
2 determination of an Inspector General and of any such appeal  
3 shall be given to the ultimate jurisdictional authority, the  
4 Attorney General, and the Executive Ethics Commission.

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

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

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

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

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

24 (i) Notwithstanding any law to the contrary, the provisions  
25 of this Section do not apply to former officers, members, or  
26 State employees who accept employment from any federal, State,

1 or local governmental unit.

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