



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2983

Introduced 2/16/2023, by Rep. Blaine Wilhour

#### SYNOPSIS AS INTRODUCED:

5 ILCS 430/5-45

Amends the State Officials and Employees Ethics Act. Provides that any member of the General Assembly, person whose appointment to office is subject to the advice and consent of the Senate, or head of a department, commission, board, division, bureau, authority, or other administrative unit within the government of this State who takes office on or after the effective date of this amendatory Act shall not, within a 3-year period immediately following termination of that person's most recent term of office, register as a lobbyist and engage in lobbying with members of the General Assembly. Effective immediately.

LRB103 25630 DTM 51979 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  
9 spouse or immediate family member living with such person,  
10 shall, within a period of one year immediately after  
11 termination of State employment, knowingly accept employment  
12 or receive compensation or fees for services from a person or  
13 entity if the officer, member, or State employee, during the  
14 year immediately preceding termination of State employment,  
15 participated personally and substantially in the award or  
16 fiscal administration of State contracts, or the issuance of  
17 State contract change orders, with a cumulative value of  
18 \$25,000 or more to the person or entity, or its parent or  
19 subsidiary.

20 (a-5) No officer, member, or spouse or immediate family  
21 member living with such person shall, during the officer or  
22 member's term in office or within a period of 2 years  
23 immediately leaving office, hold an ownership interest, other

1 than a passive interest in a publicly traded company, in any  
2 gaming license under the Illinois Gambling Act, the Video  
3 Gaming Act, the Illinois Horse Racing Act of 1975, or the  
4 Sports Wagering Act. Any member of the General Assembly or  
5 spouse or immediate family member living with such person who  
6 has an ownership interest, other than a passive interest in a  
7 publicly traded company, in any gaming license under the  
8 Illinois Gambling Act, the Illinois Horse Racing Act of 1975,  
9 the Video Gaming Act, or the Sports Wagering Act at the time of  
10 the effective date of this amendatory Act of the 101st General  
11 Assembly shall divest himself or herself of such ownership  
12 within one year after the effective date of this amendatory  
13 Act of the 101st General Assembly. No State employee who works  
14 for the Illinois Gaming Board or Illinois Racing Board or  
15 spouse or immediate family member living with such person  
16 shall, during State employment or within a period of 2 years  
17 immediately after termination of State employment, hold an  
18 ownership interest, other than a passive interest in a  
19 publicly traded company, in any gaming license under the  
20 Illinois Gambling Act, the Video Gaming Act, the Illinois  
21 Horse Racing Act of 1975, or the Sports Wagering Act.

22 (a-10) This subsection (a-10) applies on and after June  
23 25, 2021. No officer, member, or spouse or immediate family  
24 member living with such person, shall, during the officer or  
25 member's term in office or within a period of 2 years  
26 immediately after leaving office, hold an ownership interest,

1 other than a passive interest in a publicly traded company, in  
2 any cannabis business establishment which is licensed under  
3 the Cannabis Regulation and Tax Act. Any member of the General  
4 Assembly or spouse or immediate family member living with such  
5 person who has an ownership interest, other than a passive  
6 interest in a publicly traded company, in any cannabis  
7 business establishment which is licensed under the Cannabis  
8 Regulation and Tax Act at the time of the effective date of  
9 this amendatory Act of the 101st General Assembly shall divest  
10 himself or herself of such ownership within one year after the  
11 effective date of this amendatory Act of the 101st General  
12 Assembly.

13 No State employee who works for any State agency that  
14 regulates cannabis business establishment license holders who  
15 participated personally and substantially in the award of  
16 licenses under the Cannabis Regulation and Tax Act or a spouse  
17 or immediate family member living with such person shall,  
18 during State employment or within a period of 2 years  
19 immediately after termination of State employment, hold an  
20 ownership interest, other than a passive interest in a  
21 publicly traded company, in any cannabis license under the  
22 Cannabis Regulation and Tax Act.

23 (b) No former officer of the executive branch or State  
24 employee of the executive branch with regulatory or licensing  
25 authority, or spouse or immediate family member living with  
26 such person, shall, within a period of one year immediately

1 after termination of State employment, knowingly accept  
2 employment or receive compensation or fees for services from a  
3 person or entity if the officer or State employee, during the  
4 year immediately preceding termination of State employment,  
5 participated personally and substantially in making a  
6 regulatory or licensing decision that directly applied to the  
7 person or entity, or its parent or subsidiary.

8 (b-5) Beginning January 1, 2022, no former officer of the  
9 executive branch shall engage in activities at the State level  
10 that require registration under the Lobbyist Registration Act  
11 during the term of which he or she was elected or appointed  
12 until 6 months after leaving office.

13 (b-7) Beginning the second Wednesday in January of 2023,  
14 no former member shall engage in activities at the State level  
15 that require registration under the Lobbyist Registration Act  
16 in a General Assembly of which he or she was a member until 6  
17 months after leaving office.

18 (c) Within 6 months after the effective date of this  
19 amendatory Act of the 96th General Assembly, each executive  
20 branch constitutional officer and legislative leader, the  
21 Auditor General, and the Joint Committee on Legislative  
22 Support Services shall adopt a policy delineating which State  
23 positions under his or her jurisdiction and control, by the  
24 nature of their duties, may have the authority to participate  
25 personally and substantially in the award or fiscal  
26 administration of State contracts or in regulatory or

1 licensing decisions. The Governor shall adopt such a policy  
2 for all State employees of the executive branch not under the  
3 jurisdiction and control of any other executive branch  
4 constitutional officer.

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

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

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

1 requirement to notify the appropriate Inspector General in  
2 subsection (f).

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

1 legislative branch, the Legislative Inspector General; (ii)  
2 for the Auditor General and employees of the Office of the  
3 Auditor General, the Inspector General provided for in Section  
4 30-5 of this Act; and (iii) for executive branch officers and  
5 employees, the Inspector General having jurisdiction over the  
6 officer or employee. Notice of any determination of an  
7 Inspector General and of any such appeal shall be given to the  
8 ultimate jurisdictional authority, the Attorney General, and  
9 the Executive Ethics Commission.

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

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



1           (h) The following officers, members, or State employees  
2 shall not, within a period of one year immediately after  
3 termination of office or State employment, knowingly accept  
4 employment or receive compensation or fees for services from a  
5 person or entity if the person or entity or its parent or  
6 subsidiary, during the year immediately preceding termination  
7 of State employment, was a party to a State contract or  
8 contracts with a cumulative value of \$25,000 or more involving  
9 the officer, member, or State employee's State agency, or was  
10 the subject of a regulatory or licensing decision involving  
11 the officer, member, or State employee's State agency,  
12 regardless of whether he or she participated personally and  
13 substantially in the award or fiscal administration of the  
14 State contract or contracts or the making of the regulatory or  
15 licensing decision in question:

16           (1) members or officers;

17           (2) members of a commission or board created by the  
18 Illinois Constitution;

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

21           (4) the head of a department, commission, board,  
22 division, bureau, authority, or other administrative unit  
23 within the government of this State;

24           (5) chief procurement officers, State purchasing  
25 officers, and their designees whose duties are directly  
26 related to State procurement;

1 (6) chiefs of staff, deputy chiefs of staff, associate  
2 chiefs of staff, assistant chiefs of staff, and deputy  
3 governors, or any other position that holds an equivalent  
4 level of managerial oversight;

5 (7) employees of the Illinois Racing Board; and

6 (8) employees of the Illinois Gaming Board.

7 (h-5) Any member of the General Assembly, person whose  
8 appointment to office is subject to the advice and consent of  
9 the Senate, or head of a department, commission, board,  
10 division, bureau, authority, or other administrative unit  
11 within the government of this State who takes office on or  
12 after the effective date of this amendatory Act of the 103rd  
13 General Assembly shall not, within a 3-year period immediately  
14 following termination of that person's most recent term of  
15 office, register as a lobbyist, as provided under Section 3 of  
16 the Lobbyist Registration Act, and engage in lobbying with  
17 members of the General Assembly.

18 (i) For the purposes of this Section, with respect to  
19 officers or employees of a regional transit board, as defined  
20 in this Act, the phrase "person or entity" does not include:  
21 (i) the United States government, (ii) the State, (iii)  
22 municipalities, as defined under Article VII, Section 1 of the  
23 Illinois Constitution, (iv) units of local government, as  
24 defined under Article VII, Section 1 of the Illinois  
25 Constitution, or (v) school districts.

26 (Source: P.A. 101-31, eff. 6-28-19; 101-593, eff. 12-4-19;

1 102-664, eff. 1-1-22.)

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