



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB1641

Introduced 2/24/2005, by Sen. Richard J. Winkel, Jr.

SYNOPSIS AS INTRODUCED:

5 ILCS 430/5-45
10 ILCS 5/9-8.20 new
30 ILCS 500/50-30
30 ILCS 500/50-37 new

Amends the State Officials and Employees Ethics Act. Prohibits an officer, member, or State employee, for one year after most recently commencing State service, from knowingly participating in procurement, regulatory, or licensing decisions directly related to a person or entity that employed or compensated that officer, member, or employee, or his or her spouse or certain family members, during the year before the commencement of State employment. Permits waivers of the prohibitions on the same basis as the Act's current revolving door prohibition. Amends the Election Code. Prohibits State executive branch constitutional officers, candidates for those offices, and their political committees from accepting campaign contributions from (i) State contractors, (ii) bidders on State contracts not yet awarded, and (iii) State employees. Amends the Illinois Procurement Code. Prohibits specified procurement officials and executive officers confirmed by the Senate, during the first year in that position, from making procurement decisions relating to a person or entity that employed or compensated the official during the 2 years before commencing the affected position. For new contracts, requires that State contractors certify that they have not made campaign contributions to the State executive branch constitutional officer with jurisdiction over the awarding State agency or to that officer's political committee. Effective immediately.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning ethics.

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 (a-5) No officer, member, or State employee shall, within a
19 period of one year immediately after the most recent
20 commencement of State employment, knowingly participate
21 personally and substantially in the decision to award State
22 contracts with a cumulative value of over \$25,000 to a person
23 or entity, or its parent or subsidiary, that employed, or
24 compensated for services, the officer, member, or State
25 employee, or spouse or immediate family member living with such
26 person, during the year immediately preceding that
27 commencement of State employment.

28 (b) No former officer of the executive branch or State
29 employee of the executive branch with regulatory or licensing
30 authority, or spouse or immediate family member living with
31 such person, shall, within a period of one year immediately
32 after termination of State employment, knowingly accept

1 employment or receive compensation of fees for services from a
2 person or entity if the officer or State employee, during the
3 year immediately preceding termination of State employment,
4 made a regulatory or licensing decision that directly applied
5 to the person or entity, or its parent or subsidiary.

6 (b-5) No officer of the executive branch or State employee
7 of the executive branch with regulatory or licensing authority
8 shall, within a period of one year immediately after the most
9 recent commencement of State employment, knowingly make a
10 regulatory or licensing decision that directly applies to a
11 person or entity, or its parent or subsidiary, that employed,
12 or compensated for services, the officer or State employee, or
13 spouse or immediate family member living with such person,
14 during the year immediately preceding that commencement of
15 State employment.

16 (c) The requirements of this Section may be waived (i) for
17 the executive branch, in writing by the Executive Ethics
18 Commission, (ii) for the legislative branch, in writing by the
19 Legislative Ethics Commission, and (iii) for the Auditor
20 General, in writing by the Auditor General. During the time
21 period from the effective date of this amendatory Act of the
22 93rd General Assembly until the Executive Ethics Commission
23 first meets, the requirements of this Section may be waived in
24 writing by the appropriate ultimate jurisdictional authority.
25 During the time period from the effective date of this
26 amendatory Act of the 93rd General Assembly until the
27 Legislative Ethics Commission first meets, the requirements of
28 this Section may be waived in writing by the appropriate
29 ultimate jurisdictional authority. The waiver shall be granted
30 upon a showing that (i) the prospective employment or
31 relationship did not affect the decisions referred to in
32 subsections ~~sections~~ (a) and (b) or (ii) the previous
33 employment or relationship does not affect the decisions
34 referred to in subsections (a-5) and (b-5).

35 (d) This Section applies only to persons who, in the case
36 of subsection (a) or (b), terminate an affected position on or

1 after the effective date of this amendatory Act of the 93rd
2 General Assembly or, in the case of subsection (a-5) or (b-5),
3 commence an affected position on or after the effective date of
4 this amendatory Act of the 94th General Assembly.

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

6 Section 10. The Election Code is amended by adding Section
7 9-8.20 as follows:

8 (10 ILCS 5/9-8.20 new)

9 Sec. 9-8.20. Prohibited contributions.

10 (a) As of the effective date of this amendatory Act of the
11 94th General Assembly, a State executive branch constitutional
12 officer, a candidate for the office of State executive branch
13 constitutional officer, or a political committee organized on
14 behalf of or controlled by that office holder or candidate
15 shall not accept contributions from:

16 (1) A State contractor.

17 (2) A person or other entity that has submitted a bid,
18 offer, or proposal for a State contract that has not yet
19 been awarded.

20 (3) A State employee.

21 (b) As used in this Section, "State executive branch
22 constitutional officer" means the Governor, Lieutenant
23 Governor, Attorney General, Secretary of State, State
24 Comptroller, and State Treasurer.

25 (c) A first violation of this Section is punishable by a
26 fine equal to the amount of the contribution. A second
27 violation is punishable by a fine equal to 3 times the amount
28 of the contribution. A third or subsequent violation is a Class
29 C misdemeanor.

30 Section 15. The Illinois Procurement Code is amended by
31 changing Section 50-30 and by adding Section 50-37 as follows:

32 (30 ILCS 500/50-30)

1 Sec. 50-30. Revolving door prohibition.

2 (a) Chief procurement officers, associate procurement
3 officers, State purchasing officers, their designees whose
4 principal duties are directly related to State procurement, and
5 executive officers confirmed by the Senate are expressly
6 prohibited for a period of 2 years after terminating an
7 affected position from engaging in any procurement activity
8 relating to the State agency most recently employing them in an
9 affected position for a period of at least 6 months. The
10 prohibition includes but is not limited to: lobbying the
11 procurement process; specifying; bidding; proposing bid,
12 proposal, or contract documents; on their own behalf or on
13 behalf of any firm, partnership, association, or corporation.
14 This subsection applies only to persons who terminate an
15 affected position on or after January 15, 1999.

16 (a-5) Chief procurement officers, associate procurement
17 officers, State purchasing officers, their designees whose
18 principal duties are directly related to State procurement, and
19 executive officers confirmed by the Senate are expressly
20 prohibited for a period of one year after most recently
21 commencing an affected position from engaging in any
22 procurement activity relating to any person or entity, or its
23 parent or subsidiary, that employed, or compensated for
24 services, the chief procurement officer, associate procurement
25 officer, State purchasing officer, designee, or executive
26 officer during the 2 years immediately preceding that
27 commencement of the affected position.

28 (b) In addition to any other provisions of this Code,
29 employment of former State employees and the activity of
30 procurement officials, their designees, and executive officers
31 are ~~is~~ subject to the State Officials and Employees Ethics Act.
32 (Source: P.A. 93-615, eff. 11-19-03.)

33 (30 ILCS 500/50-37 new)

34 Sec. 50-37. Campaign contributions. Each contract awarded
35 on or after the effective date of this amendatory Act of the

1 94th General Assembly must contain a certification by the
2 contractor that the contractor has not made a campaign
3 contribution, as defined in Article 9 of the Election Code, to
4 the executive branch constitutional officer with jurisdiction
5 over the awarding State agency or to a political committee
6 organized on behalf of or controlled by that State executive
7 branch constitutional officer.

8 As used in this Section, "State executive branch
9 constitutional officer" means the Governor, Lieutenant
10 Governor, Attorney General, Secretary of State, State
11 Comptroller, and State Treasurer.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.