

**94TH GENERAL ASSEMBLY****State of Illinois****2005 and 2006****SB0039**

Introduced 1/26/2005, by Sen. Miguel del Valle

SYNOPSIS AS INTRODUCED:

5 ILCS 430/10-15
10 ILCS 5/9-8.20 new
30 ILCS 500/50-13
30 ILCS 500/50-20

Amends the State Officials and Employees Ethics Act. In the gift ban Article, eliminates the exemptions for (i) educational materials and missions and (ii) travel expenses for a meeting to discuss State business. Amends the Election Code. Prohibits State executive branch constitutional officers, General Assembly members, candidates for those offices, and their political committees from accepting campaign contributions from State contractors or bidders on State contracts not yet awarded. Amends the Illinois Procurement Code. Provides that no person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the offices or agencies of State government and who receives compensation for such employment in excess of 60% of the salary of the Governor of the State of Illinois, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person may receive a legal, banking, consulting, or other fee related to the issuance of any bond issued by the State or by any agency or other entity of State government. Provides that this prohibition may not be exempted by the Governor or an executive ethics board or commission.

LRB094 03490 JAM 33493 b

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 10-15 as follows:

6 (5 ILCS 430/10-15)

7 Sec. 10-15. Gift ban; exceptions. The restriction in
8 Section 10-10 does not apply to the following:

9 (1) Opportunities, benefits, and services that are
10 available on the same conditions as for the general public.

11 (2) Anything for which the officer, member, or State
12 employee pays the market value.

13 (3) Any (i) contribution that is lawfully made under
14 the Election Code or under this Act or (ii) activities
15 associated with a fundraising event in support of a
16 political organization or candidate.

17 (4) ~~(Blank). Educational materials and missions. This~~
18 ~~exception may be further defined by rules adopted by the~~
19 ~~appropriate ethics commission or by the Auditor General for~~
20 ~~the Auditor General and employees of the Office of the~~
21 ~~Auditor General.~~

22 (5) ~~(Blank). Travel expenses for a meeting to discuss~~
23 ~~State business. This exception may be further defined by~~
24 ~~rules adopted by the appropriate ethics commission or by~~
25 ~~the Auditor General for the Auditor General and employees~~
26 ~~of the Office of the Auditor General.~~

27 (6) A gift from a relative, meaning those people
28 related to the individual as father, mother, son, daughter,
29 brother, sister, uncle, aunt, great aunt, great uncle,
30 first cousin, nephew, niece, husband, wife, grandfather,
31 grandmother, grandson, granddaughter, father-in-law,
32 mother-in-law, son-in-law, daughter-in-law,

1 brother-in-law, sister-in-law, stepfather, stepmother,
2 stepson, stepdaughter, stepbrother, stepsister, half
3 brother, half sister, and including the father, mother,
4 grandfather, or grandmother of the individual's spouse and
5 the individual's fiance or fiancée.

6 (7) Anything provided by an individual on the basis of
7 a personal friendship unless the member, officer, or
8 employee has reason to believe that, under the
9 circumstances, the gift was provided because of the
10 official position or employment of the member, officer, or
11 employee and not because of the personal friendship.

12 In determining whether a gift is provided on the basis
13 of personal friendship, the member, officer, or employee
14 shall consider the circumstances under which the gift was
15 offered, such as:

16 (i) the history of the relationship between the
17 individual giving the gift and the recipient of the
18 gift, including any previous exchange of gifts between
19 those individuals;

20 (ii) whether to the actual knowledge of the member,
21 officer, or employee the individual who gave the gift
22 personally paid for the gift or sought a tax deduction
23 or business reimbursement for the gift; and

24 (iii) whether to the actual knowledge of the
25 member, officer, or employee the individual who gave
26 the gift also at the same time gave the same or similar
27 gifts to other members, officers, or employees.

28 (8) Food or refreshments not exceeding \$75 per person
29 in value on a single calendar day; provided that the food
30 or refreshments are (i) consumed on the premises from which
31 they were purchased or prepared or (ii) catered. For the
32 purposes of this Section, "catered" means food or
33 refreshments that are purchased ready to eat and delivered
34 by any means.

35 (9) Food, refreshments, lodging, transportation, and
36 other benefits resulting from the outside business or

1 employment activities (or outside activities that are not
2 connected to the duties of the officer, member, or employee
3 as an office holder or employee) of the officer, member, or
4 employee, or the spouse of the officer, member, or
5 employee, if the benefits have not been offered or enhanced
6 because of the official position or employment of the
7 officer, member, or employee, and are customarily provided
8 to others in similar circumstances.

9 (10) Intra-governmental and inter-governmental gifts.
10 For the purpose of this Act, "intra-governmental gift"
11 means any gift given to a member, officer, or employee of a
12 State agency from another member, officer, or employee of
13 the same State agency; and "inter-governmental gift" means
14 any gift given to a member, officer, or employee of a State
15 agency, by a member, officer, or employee of another State
16 agency, of a federal agency, or of any governmental entity.

17 (11) Bequests, inheritances, and other transfers at
18 death.

19 (12) Any item or items from any one prohibited source
20 during any calendar year having a cumulative total value of
21 less than \$100.

22 Each of the exceptions listed in this Section is mutually
23 exclusive and independent of one another.

24 (Source: P.A. 93-617, eff. 12-9-03.)

25 Section 10. The Election Code is amended by adding Section
26 9-8.20 as follows:

27 (10 ILCS 5/9-8.20 new)

28 Sec. 9-8.20. Contributions from State contractors.

29 (a) As of the effective date of this amendatory Act of the
30 94th General Assembly, a State executive branch constitutional
31 officer, a member of the General Assembly, a candidate for the
32 office of State executive branch constitutional officer or
33 member of the General Assembly, or a political committee
34 organized on behalf of such office holder or candidate shall

1 not accept contributions from a State contractor or from any
2 person or other entity that has submitted a bid, offer, or
3 proposal for a State contract that has not yet been awarded.

4 (b) As used in this Section, "State executive branch
5 constitutional officer" means the Governor, Lieutenant
6 Governor, Attorney General, Secretary of State, State
7 Comptroller, or State Treasurer.

8 Section 15. The Illinois Procurement Code is amended by
9 changing Section 50-13 and 50-20 as follows:

10 (30 ILCS 500/50-13)

11 Sec. 50-13. Conflicts of interest.

12 (a) Prohibition. It is unlawful for any person holding an
13 elective office in this State, holding a seat in the General
14 Assembly, or appointed to or employed in any of the offices or
15 agencies of State government and who receives compensation for
16 such employment in excess of 60% of the salary of the Governor
17 of the State of Illinois, or who is an officer or employee of
18 the Capital Development Board or the Illinois Toll Highway
19 Authority, or who is the spouse or minor child of any such
20 person to have or acquire any contract, or any direct pecuniary
21 interest in any contract therein, whether for stationery,
22 printing, paper, or any services, materials, or supplies, that
23 will be wholly or partially satisfied by the payment of funds
24 appropriated by the General Assembly of the State of Illinois
25 or in any contract of the Capital Development Board or the
26 Illinois Toll Highway Authority.

27 (b) Interests. It is unlawful for any firm, partnership,
28 association, or corporation, in which any person listed in
29 subsection (a) is entitled to receive (i) more than 7 1/2% of
30 the total distributable income or (ii) an amount in excess of
31 the salary of the Governor, to have or acquire any such
32 contract or direct pecuniary interest therein.

33 (b-5) Notwithstanding any other provision of law, no person
34 listed in subsection (a) may receive a legal, banking,

1 consulting, or other fee related to the issuance of any bond
2 issued by the State or by any agency or other entity of State
3 government.

4 (c) Combined interests. It is unlawful for any firm,
5 partnership, association, or corporation, in which any person
6 listed in subsection (a) together with his or her spouse or
7 minor children is entitled to receive (i) more than 15%, in the
8 aggregate, of the total distributable income or (ii) an amount
9 in excess of 2 times the salary of the Governor, to have or
10 acquire any such contract or direct pecuniary interest therein.

11 (c-5) Appointees and firms. In addition to any provisions
12 of this Code, the interests of certain appointees and their
13 firms are subject to Section 3A-35 of the Illinois Governmental
14 Ethics Act.

15 (d) Securities. Nothing in this Section invalidates the
16 provisions of any bond or other security previously offered or
17 to be offered for sale or sold by or for the State of Illinois.

18 (e) Prior interests. This Section does not affect the
19 validity of any contract made between the State and an officer
20 or employee of the State or member of the General Assembly, his
21 or her spouse, minor child, or other immediate family member
22 living in his or her residence or any combination of those
23 persons if that contract was in existence before his or her
24 election or employment as an officer, member, or employee. The
25 contract is voidable, however, if it cannot be completed within
26 365 days after the officer, member, or employee takes office or
27 is employed.

28 (f) Exceptions.

29 (1) Public aid payments. This Section does not apply to
30 payments made for a public aid recipient.

31 (2) Teaching. This Section does not apply to a contract
32 for personal services as a teacher or school administrator
33 between a member of the General Assembly or his or her
34 spouse, or a State officer or employee or his or her
35 spouse, and any school district, public community college
36 district, the University of Illinois, Southern Illinois

1 University, Illinois State University, Eastern Illinois
2 University, Northern Illinois University, Western Illinois
3 University, Chicago State University, Governor State
4 University, or Northeastern Illinois University.

5 (3) Ministerial duties. This Section does not apply to
6 a contract for personal services of a wholly ministerial
7 character, including but not limited to services as a
8 laborer, clerk, typist, stenographer, page, bookkeeper,
9 receptionist, or telephone switchboard operator, made by a
10 spouse or minor child of an elective or appointive State
11 officer or employee or of a member of the General Assembly.

12 (4) Child and family services. This Section does not
13 apply to payments made to a member of the General Assembly,
14 a State officer or employee, his or her spouse or minor
15 child acting as a foster parent, homemaker, advocate, or
16 volunteer for or in behalf of a child or family served by
17 the Department of Children and Family Services.

18 (5) Licensed professionals. Contracts with licensed
19 professionals, provided they are competitively bid or part
20 of a reimbursement program for specific, customary goods
21 and services through the Department of Children and Family
22 Services, the Department of Human Services, the Department
23 of Public Aid, the Department of Public Health, or the
24 Department on Aging.

25 (g) Penalty. A person convicted of a violation of this
26 Section is guilty of a business offense and shall be fined not
27 less than \$1,000 nor more than \$5,000.

28 (Source: P.A. 93-615, eff. 11-19-03.)

29 (30 ILCS 500/50-20)

30 Sec. 50-20. Exemptions. With the approval of the
31 appropriate chief procurement officer involved, the Governor,
32 or an executive ethics board or commission he or she
33 designates, may exempt named individuals from the prohibitions
34 of Section 50-13, except the prohibitions set forth in
35 subsection (b-5) of Section 50-13, when, in his, her, or its

1 judgment, the public interest in having the individual in the
2 service of the State outweighs the public policy evidenced in
3 that Section. An exemption is effective only when it is filed
4 with the Secretary of State and the Comptroller and includes a
5 statement setting forth the name of the individual and all the
6 pertinent facts that would make that Section applicable,
7 setting forth the reason for the exemption, and declaring the
8 individual exempted from that Section. Notice of each exemption
9 shall be published in the Illinois Procurement Bulletin.
10 (Source: P.A. 90-572, eff. 2-6-98.)