



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2964

by Rep. Scott Drury

#### SYNOPSIS AS INTRODUCED:

- 5 ILCS 430/10-10
- 5 ILCS 430/10-15
- 5 ILCS 430/10-20 new
- 5 ILCS 430/50-5

Amends the State Officials and Employees Ethics Act. Makes the gift ban apply to additional classes of persons. Places caps on gifts that may be accepted as exempt under the educational materials and missions exemption and the travel expenses for State business exemption. Deletes exemptions that authorize the acceptance of gifts provided by an individual on the basis of personal friendship; gifts made through bequests, inheritances, and other transfers at death; and gifts of food. Exempts from the gift ban the cost of food or beverages consumed at certain receptions, meals, and meetings. Establishes a procedure for the reporting of all gifts that are accepted as exempt from the gift ban. Authorizes the Secretary of State to institute a system for the reporting of accepted gifts. Increases penalties for violations of the gift ban.

LRB098 11026 JDS 41708 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Sections 10-10, 10-15, and 50-5 and by  
6 adding Section 10-20 as follows:

7 (5 ILCS 430/10-10)

8 Sec. 10-10. Gift ban. Except as otherwise provided in this  
9 Article, no officer, member, or State employee shall  
10 intentionally solicit or accept any gift from any prohibited  
11 source or in violation of any federal or State statute, rule,  
12 or regulation. This ban applies to and includes any relative of  
13 the officer, member, or State employee, including those people  
14 related to the individual as father, mother, son, daughter,  
15 brother, sister, uncle, aunt, great aunt, great uncle, first  
16 cousin, nephew, niece, husband, wife, civil union partner,  
17 grandfather, grandmother, grandson, granddaughter,  
18 father-in-law, mother-in-law, sister-in-law, stepfather,  
19 stepmother, stepson, stepdaughter, stepbrother, stepsister,  
20 half brother, or half sister, as well as any individual related  
21 to the individual's spouse in any of the manners described  
22 above the spouse of and immediate family living with the  
23 officer, member, or State employee. No prohibited source shall

1 intentionally offer or make a gift that violates this Section.

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

3 (5 ILCS 430/10-15)

4 Sec. 10-15. Gift ban; exceptions. The restriction in  
5 Section 10-10 does not apply to the following gifts provided to  
6 an officer, member, or State employee:

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

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

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

15 (4) Educational materials and missions, provided that  
16 the maximum daily amount that may be accepted by an  
17 officer, member, or State employee (exclusive of air, rail,  
18 or boat fare) shall not exceed \$111 per day. With respect  
19 to air, rail, or boat fare, an officer, member, or State  
20 employee may only accept coach class tickets or their  
21 equivalent and shall only travel on carriers available to  
22 the general public. This exception may be further defined  
23 by rules adopted by the appropriate ethics commission or by  
24 the Auditor General for the Auditor General and employees  
25 of the Office of the Auditor General.

1           (5) Travel expenses for a meeting to discuss State  
2 business, provided that the maximum daily amount that may  
3 be accepted by an officer, member, or State employee  
4 (exclusive of air, rail, or boat fare) shall not exceed  
5 \$111 per day. With respect to air, rail or boat fare, an  
6 officer, member, or State employee may only accept coach  
7 class tickets or their equivalent and shall only travel on  
8 carriers available to the general public. This exception  
9 may be further defined by rules adopted by the appropriate  
10 ethics commission or by the Auditor General for the Auditor  
11 General and employees of the Office of the Auditor General.

12           (6) A gift from a relative, meaning those people  
13 related to the individual as father, mother, son, daughter,  
14 brother, sister, uncle, aunt, great aunt, great uncle,  
15 first cousin, nephew, niece, husband, wife, civil union  
16 partner, grandfather, grandmother, grandson,  
17 granddaughter, father-in-law, mother-in-law, son-in-law,  
18 daughter-in-law, brother-in-law, sister-in-law,  
19 stepfather, stepmother, stepson, stepdaughter,  
20 stepbrother, stepsister, half brother, half sister, and  
21 any individual related to the individual's spouse in any of  
22 the manners described above ~~including the father, mother,~~  
23 ~~grandfather, or grandmother of the individual's spouse and~~  
24 ~~the individual's fiance or fiancée.~~

25           (7) (Blank). ~~Anything provided by an individual on the~~  
26 ~~basis of a personal friendship unless the member, officer,~~

1 ~~or employee has reason to believe that, under the~~  
2 ~~circumstances, the gift was provided because of the~~  
3 ~~official position or employment of the member, officer, or~~  
4 ~~employee and not because of the personal friendship.~~

5 ~~In determining whether a gift is provided on the basis~~  
6 ~~of personal friendship, the member, officer, or employee~~  
7 ~~shall consider the circumstances under which the gift was~~  
8 ~~offered, such as:~~

9 ~~(i) the history of the relationship between the~~  
10 ~~individual giving the gift and the recipient of the~~  
11 ~~gift, including any previous exchange of gifts between~~  
12 ~~those individuals;~~

13 ~~(ii) whether to the actual knowledge of the member,~~  
14 ~~officer, or employee the individual who gave the gift~~  
15 ~~personally paid for the gift or sought a tax deduction~~  
16 ~~or business reimbursement for the gift; and~~

17 ~~(iii) whether to the actual knowledge of the~~  
18 ~~member, officer, or employee the individual who gave~~  
19 ~~the gift also at the same time gave the same or similar~~  
20 ~~gifts to other members, officers, or employees.~~

21 (8) (Blank). ~~Food or refreshments not exceeding \$75 per~~  
22 ~~person in value on a single calendar day; provided that the~~  
23 ~~food or refreshments are (i) consumed on the premises from~~  
24 ~~which they were purchased or prepared or (ii) catered. For~~  
25 ~~the purposes of this Section, "catered" means food or~~  
26 ~~refreshments that are purchased ready to eat and delivered~~

1 ~~by any means.~~

2 (9) Food, refreshments, lodging, transportation, and  
3 other benefits resulting from the outside business or  
4 employment activities (or outside activities that are not  
5 connected to the duties of the officer, member, or employee  
6 as an office holder or employee) of the officer, member, or  
7 employee, or the spouse of the officer, member, or  
8 employee, if the benefits have not been offered or enhanced  
9 because of the official position or employment of the  
10 officer, member, or employee, and are customarily provided  
11 to others in similar circumstances.

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

20 (11) (Blank). ~~Bequests, inheritances, and other~~  
21 ~~transfers at death.~~

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

25 (13) Admission to and the cost of food or beverages  
26 consumed at a reception, meal or meeting by an organization

1 before whom the recipient appears to speak or answer  
2 questions as part of a scheduled program and to which all  
3 members of the General Assembly were invited.

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

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

7 (5 ILCS 430/10-20 new)

8 Sec. 10-20. Disclosure of accepted gifts.

9 (a) Any officer, member, or State employee who receives any  
10 item from a prohibited source pursuant to an exception set  
11 forth in Section 10-15 shall, within 15 days after receipt,  
12 file with the Secretary of State a report disclosing the  
13 receipt of the gift. The report shall be verified under oath  
14 pursuant to Section 1-109 of the Code of Civil Procedure  
15 attesting to the accuracy of the report. The report shall be a  
16 public record and shall: (i) list the name of the officer,  
17 member, or State employee who accepted the gift; (ii) describe  
18 in detail each individual gift received; (iii) include the date  
19 on which the gift was received; (iv) include the amount of the  
20 gift or, if the exact amount is not known, the fair market  
21 value of each gift; (v) include the name, address, and employer  
22 of the prohibited source who provided the gift; (vi) describe  
23 the subject matter of any lobbying activity, as that term is  
24 defined in the Lobbyist Registration Act, that occurred in  
25 connection with the gift; and (vii) state the specific

1 exception or exceptions in Section 10-15 pursuant to which the  
2 gift was accepted and why those exceptions bring the officer,  
3 member, or State employee's acceptance of the gift outside the  
4 purview of Section 10-10. If the gift was accepted in  
5 connection with an educational mission or travel to a meeting  
6 to discuss State business, the report shall provide a daily  
7 account of all gifts accepted following the requirements set  
8 forth in this subsection (a).

9 (b) The Secretary of State may create a standard form that  
10 an officer, member, or State employee shall use in complying  
11 with subsection (a).

12 (c) Notwithstanding any other provision of this Act or any  
13 other law, the Secretary of State may institute an  
14 Internet-based system for the reports described in subsection  
15 (a). The determination to institute such a system shall be in  
16 the sole discretion of the Secretary of State and shall meet  
17 the requirements set out in this Section. In any system of  
18 Internet-based filing of the reports described in subsection  
19 (a) instituted by the Secretary of State:

20 (1) Any filing of an Internet-based report shall be the  
21 equivalent of the filing of the verified, written, dated,  
22 and signed report described in subsection (a).

23 (2) If the Secretary of State institutes an  
24 Internet-based filing system for the reports described in  
25 subsection (a), the Secretary shall establish a  
26 password-protected website to receive the filings of those



1 statements. A website established under this Section shall  
2 set forth and provide a means for the filer to respond to  
3 the form's required questions. A website established under  
4 this Section shall set forth and provide a means for  
5 generating a printable receipt page, acknowledging filing.

6 (3) In the first year of the implementation of a system  
7 of Internet-based filing of the reports described in  
8 subsection (a), each person required to file such a  
9 statement is to be notified in writing of his or her  
10 obligation to file his or her report by way of the  
11 Internet-based system. If access to the website requires a  
12 code or password, this information shall be included in the  
13 notice prescribed by this paragraph.

14 (4) When a person required to file a report described  
15 in subsection (a) has supplied the Secretary of State with  
16 an e-mail address for the purpose of receiving notices  
17 under this Act by e-mail, a notice sent by e-mail shall be  
18 the equivalent of a notice sent by first class mail. A  
19 person who has supplied such an e-mail address shall notify  
20 the Secretary of State when his or her e-mail address  
21 changes or if he or she no longer wishes to receive notices  
22 by e-mail.

23 (5) If the Secretary of State institutes a system of  
24 Internet-based filing of the reports described in  
25 subsection (a), he or she shall make the contents of such  
26 reports filed with him or her available for inspection and

1 copying on a publicly accessible website in a searchable  
2 format. Such postings shall not include the addresses of  
3 the filers or of any prohibited source set forth therein.

4 (5 ILCS 430/50-5)

5 Sec. 50-5. Penalties.

6 (a) A person is guilty of a Class A misdemeanor if that  
7 person intentionally violates any provision of Section 5-15,  
8 5-30, 5-40, or 5-45 or Article 15.

9 (a-1) An ethics commission may levy an administrative fine  
10 for a violation of Section 5-45 of this Act of up to 3 times the  
11 total annual compensation that would have been obtained in  
12 violation of Section 5-45.

13 (b) A person who intentionally violates any provision of  
14 Section 5-20, 5-35, 5-50, or 5-55 is guilty of a business  
15 offense subject to a fine of at least \$1,001 and up to \$5,000.

16 (c) A person who intentionally violates any provision of  
17 Article 10 is guilty of a Class 4 felony and is subject to a  
18 fine in an amount equal to the greater of (i) \$1,001 or (ii)  
19 five times the total value of all items received in violation  
20 of Article 10. A person who intentionally violates any  
21 provision of Article 10 is guilty of a business offense and  
22 subject to a fine of at least \$1,001 and up to \$5,000.

23 (d) Any person who intentionally makes a false report  
24 alleging a violation of any provision of this Act to an ethics  
25 commission, an inspector general, the State Police, a State's

1 Attorney, the Attorney General, or any other law enforcement  
2 official is guilty of a Class A misdemeanor.

3 (e) An ethics commission may levy an administrative fine of  
4 up to \$5,000 against any person who violates this Act, who  
5 intentionally obstructs or interferes with an investigation  
6 conducted under this Act by an inspector general, or who  
7 intentionally makes a false, frivolous, or bad faith  
8 allegation.

9 (f) In addition to any other penalty that may apply,  
10 whether criminal or civil, a State employee who intentionally  
11 violates any provision of Section 5-5, 5-15, 5-20, 5-30, 5-35,  
12 5-45, or 5-50, Article 10, Article 15, or Section 20-90 or  
13 25-90 is subject to discipline or discharge by the appropriate  
14 ultimate jurisdictional authority.

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