

1 AN ACT concerning members of the General Assembly.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Illinois Governmental Ethics Act is  
5 amended by adding Section 3-101A as follows:

6 (5 ILCS 420/3-101A new)

7 Sec. 3-101A. Acceptance of gifts by legislators. A  
8 legislator shall not accept a gift valued at more than \$50  
9 from any donor other than a family member.

10 A family member means the legislator's father, mother,  
11 son, daughter, brother, sister, uncle, aunt, great aunt,  
12 great uncle, first cousin, nephew, niece, husband, wife,  
13 grandfather, grandmother, grandson, granddaughter,  
14 father-in-law, mother-in-law, grandparent-in-law, son-in-law,  
15 daughter-in-law, brother-in-law, sister-in-law, stepfather,  
16 stepmother, stepson, stepdaughter, stepbrother, stepsister,  
17 half-brother, half-sister, fiance, or fiancee or the parent  
18 or grandparent of the legislator's fiance or fiancee.

19 The prohibition in this Section is in addition to any  
20 other prohibition against or restriction upon acceptance of  
21 gifts by legislators provided by law.

22 Section 10. The State Gift Ban Act is amended by  
23 changing Sections 15 and 20 as follows:

24 (5 ILCS 425/15)

25 Sec. 15. Exceptions. Except as provided in this  
26 Section, the restriction in Section 10 does not apply to the  
27 following:

28 (1) Anything for which the member, officer, employee, or  
29 judge pays the market value or anything not used and promptly

1 disposed of as provided in Section 25.

2 (2) A contribution, as defined in Article 9 of the  
3 Election Code that is lawfully made under that Act or  
4 attendance at a fundraising event sponsored by a political  
5 organization.

6 (3) A gift from a relative, meaning those people related  
7 to the individual as father, mother, son, daughter, brother,  
8 sister, uncle, aunt, great aunt, great uncle, first cousin,  
9 nephew, niece, husband, wife, grandfather, grandmother,  
10 grandson, granddaughter, father-in-law, mother-in-law,  
11 son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
12 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
13 stepsister, half brother, half sister, and including the  
14 father, mother, grandfather, or grandmother of the  
15 individual's spouse and the individual's fiance or fiancée.

16 (4) Anything provided by an individual on the basis of a  
17 personal friendship unless the member, officer, employee, or  
18 judge has reason to believe that, under the circumstances,  
19 the gift was provided because of the official position or  
20 employment of the member, officer, employee, or judge and not  
21 because of the personal friendship.

22 In determining whether a gift is provided on the basis of  
23 personal friendship, the member, officer, employee, or judge  
24 shall consider the circumstances under which the gift was  
25 offered, such as:

26 (i) the history of the relationship between the  
27 individual giving the gift and the recipient of the gift,  
28 including any previous exchange of gifts between those  
29 individuals;

30 (ii) whether to the actual knowledge of the member,  
31 officer, employee, or judge the individual who gave the  
32 gift personally paid for the gift or sought a tax  
33 deduction or business reimbursement for the gift; and

34 (iii) whether to the actual knowledge of the

1 member, officer, employee, or judge the individual who  
2 gave the gift also at the same time gave the same or  
3 similar gifts to other members, officers, employees, or  
4 judges.

5 (5) A commercially reasonable loan evidenced in writing  
6 with repayment due by a date certain made in the ordinary  
7 course of the lender's business.

8 (6) A contribution or other payments to a legal defense  
9 fund established for the benefit of a member, officer,  
10 employee, or judge that is otherwise lawfully made.

11 (7) Intra-office and inter-office gifts. For the  
12 purpose of this Act, "intra-office gifts" means:

13 (i) any gift given to a member or employee of the  
14 legislative branch from another member or employee of the  
15 legislative branch;

16 (ii) any gift given to a judge or employee of the  
17 judicial branch from another judge or employee of the  
18 judicial branch;

19 (iii) any gift given to an officer or employee of  
20 the executive branch from another officer or employee of  
21 the executive branch;

22 (iv) any gift given to an officer or employee of a  
23 unit of local government, home rule unit, or school  
24 district, from another employee of that unit of local  
25 government, home rule unit, or school district;

26 (v) any gift given to an officer or employee of any  
27 other governmental entity not included in item (i), (ii),  
28 (iii), or (iv), from another employee of that  
29 governmental entity; or

30 (vi) any gift given to a member or employee of the  
31 legislative branch, a judge or employee of the judicial  
32 branch, an officer or employee of the executive branch,  
33 an officer or employee of a unit of local government,  
34 home rule unit, or school district, or an officer or

1 employee of any other governmental entity not included in  
2 item (i), (ii), (iii), or (iv) from a member or employee  
3 of the legislative branch, a judge or employee of the  
4 judicial branch, an officer or employee of the executive  
5 branch, an officer or employee of a unit of local  
6 government, home rule unit, or school district, or an  
7 officer or employee of any other governmental entity.

8 (8) Food, refreshments, lodging, transportation, and  
9 other benefits:

10 (i) resulting from the outside business or  
11 employment activities (or outside activities that are not  
12 connected to the duties of the member, officer, employee,  
13 or judge, as an office holder or employee) of the member,  
14 officer, employee, judge, or the spouse of the member,  
15 officer, employee, or judge, if the benefits have not  
16 been offered or enhanced because of the official position  
17 or employment of the member, officer, employee, or judge  
18 and are customarily provided to others in similar  
19 circumstances;

20 (ii) customarily provided by a prospective employer  
21 in connection with bona fide employment discussions; or

22 (iii) provided by a political organization in  
23 connection with a fundraising or campaign event sponsored  
24 by that organization.

25 (9) Pension and other benefits resulting from continued  
26 participation in an employee welfare and benefits plan  
27 maintained by a former employer.

28 (10) Informational materials that are sent to the office  
29 of the member, officer, employee, or judge in the form of  
30 books, articles, periodicals, other written materials,  
31 audiotapes, videotapes, or other forms of communication.

32 (11) Awards or prizes that are given to competitors in  
33 contests or events open to the public, including random  
34 drawings.

1           (12) Honorary degrees (and associated travel, food,  
2 refreshments, and entertainment provided in the presentation  
3 of degrees and awards).

4           (13) Training (including food and refreshments furnished  
5 to all attendees as an integral part of the training)  
6 provided to a member, officer, employee, or judge, if the  
7 training is in the interest of the governmental entity.

8           (14) Educational missions, including meetings with  
9 government officials either foreign or domestic, intended to  
10 educate public officials on matters of public policy, to  
11 which the member, officer, employee, or judge may be invited  
12 to participate along with other federal, state, or local  
13 public officials and community leaders.

14           (15) Bequests, inheritances, and other transfers at  
15 death.

16           (16) Anything that is paid for by the federal  
17 government, the State, or a governmental entity, or secured  
18 by the government or governmental entity under a government  
19 contract.

20           (17) A gift of personal hospitality of an individual  
21 other than a registered lobbyist or agent of a foreign  
22 principal, including hospitality extended for a nonbusiness  
23 purpose by an individual, not a corporation or organization,  
24 at the personal residence of that individual or the  
25 individual's family or on property or facilities owned by  
26 that individual or the individual's family.

27           (18) Free attendance at a widely attended event  
28 permitted under Section 20.

29           (19) Opportunities and benefits that are:

30               (i) available to the public or to a class  
31 consisting of all employees, officers, members, or  
32 judges, whether or not restricted on the basis of  
33 geographic consideration;

34               (ii) offered to members of a group or class in

1 which membership is unrelated to employment or official  
2 position;

3 (iii) offered to members of an organization such as  
4 an employee's association or credit union, in which  
5 membership is related to employment or official position  
6 and similar opportunities are available to large segments  
7 of the public through organizations of similar size;

8 (iv) offered to any group or class that is not  
9 defined in a manner that specifically discriminates among  
10 government employees on the basis of branch of government  
11 or type of responsibility, or on a basis that favors  
12 those of higher rank or rate of pay;

13 (v) in the form of loans from banks and other  
14 financial institutions on terms generally available to  
15 the public; or

16 (vi) in the form of reduced membership or other  
17 fees for participation in organization activities offered  
18 to all government employees by professional organizations  
19 if the only restrictions on membership relate to  
20 professional qualifications.

21 (20) A plaque, trophy, or other item that is  
22 substantially commemorative in nature and that is extended  
23 for presentation.

24 (21) Golf or tennis; food or refreshments of nominal  
25 value and catered food or refreshments; meals or beverages  
26 consumed on the premises from which they were purchased.

27 (22) Donations of products from an Illinois company that  
28 are intended primarily for promotional purposes, such as  
29 display or free distribution, and are of minimal value to any  
30 individual recipient.

31 (23) An item of nominal value such as a greeting card,  
32 baseball cap, or T-shirt.

33 This Section does not apply to the acceptance by members  
34 of gifts valued at more than \$50 from any donor other than a

1 family member. A family member means the recipient's father,  
2 mother, son, daughter, brother, sister, uncle, aunt, great  
3 aunt, great uncle, first cousin, nephew, niece, husband,  
4 wife, grandfather, grandmother, grandson, granddaughter,  
5 father-in-law, mother-in-law, grandparent-in-law, son-in-law,  
6 daughter-in-law, brother-in-law, sister-in-law, stepfather,  
7 stepmother, stepson, stepdaughter, stepbrother, stepsister,  
8 half-brother, half-sister, fiance, or fiancee or the parent  
9 or grandparent of the recipient's fiance or fiancee.

10 (Source: P.A. 90-737, eff. 1-1-99.)

11 (5 ILCS 425/20)

12 Sec. 20. Attendance at events.

13 (a) A member, officer, employee, or judge may accept an  
14 offer of free attendance at a widely attended convention,  
15 conference, symposium, forum, panel discussion, dinner,  
16 viewing, reception, or similar event, provided by the sponsor  
17 of the event, if:

18 (1) the member, officer, employee, or judge  
19 participates in the event as a speaker or a panel  
20 participant, by presenting information related to  
21 government, or by performing a ceremonial function  
22 appropriate to the member's, officer's, employee's, or  
23 judge's official position or employment; or

24 (2) attendance at the event is appropriate to the  
25 performance of civic affairs in Illinois or the official  
26 duties or representative function of the member, officer,  
27 employee, or judge.

28 (b) A member, officer, employee, or judge who attends an  
29 event described in subsection (a) may accept a sponsor's  
30 unsolicited offer of free attendance at the event for an  
31 accompanying individual.

32 (c) A member, officer, employee, or judge, or the spouse  
33 or dependent thereof, may accept a sponsor's unsolicited

1 offer of free attendance at a charity event, except that  
2 reimbursement for transportation and lodging may not be  
3 accepted in connection with the event.

4 (d) For purposes of this Section, the term "free  
5 attendance" may include waiver of all or part of a conference  
6 or other fee, the provision of transportation, or the  
7 provision of food, refreshments, entertainment, and  
8 instructional materials furnished to all attendees as an  
9 integral part of the event. The term does not include  
10 entertainment collateral to the event, nor does it include  
11 food or refreshments taken other than in a group setting with  
12 all or substantially all other attendees, except as  
13 authorized under subsection (21) of Section 15.

14 (e) This Section does not apply to a member's acceptance  
15 of attendance valued at \$50 or more from any donor other than  
16 a family member. A family member means the recipient's  
17 father, mother, son, daughter, brother, sister, uncle, aunt,  
18 great aunt, great uncle, first cousin, nephew, niece,  
19 husband, wife, grandfather, grandmother, grandson,  
20 granddaughter, father-in-law, mother-in-law,  
21 grandparent-in-law, son-in-law, daughter-in-law,  
22 brother-in-law, sister-in-law, stepfather, stepmother,  
23 stepson, stepdaughter, stepbrother, stepsister, half-brother,  
24 half-sister, fiance, or fiancée or the parent or grandparent  
25 of the recipient's fiance or fiancée.

26 (Source: P.A. 90-737, eff. 1-1-99.)

27 Section 99. Effective date. This Act takes effect on  
28 July 1, 2001.