



Rep. Anne Stava-Murray

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10100HB1474ham002

LRB101 07034 AMC 58641 a

1 AMENDMENT TO HOUSE BILL 1474

2 AMENDMENT NO. _____. Amend House Bill 1474 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Section 1-5 and by adding Section 5-70 as
6 follows:

7 (5 ILCS 430/1-5)

8 Sec. 1-5. Definitions. As used in this Act:

9 "Appointee" means a person appointed to a position in or
10 with a State agency, regardless of whether the position is
11 compensated.

12 "Board members of Regional Transit Boards" means any person
13 appointed to serve on the governing board of a Regional Transit
14 Board.

15 "Campaign for elective office" means any activity in
16 furtherance of an effort to influence the selection,

1 nomination, election, or appointment of any individual to any
2 federal, State, or local public office or office in a political
3 organization, or the selection, nomination, or election of
4 Presidential or Vice-Presidential electors, but does not
5 include activities (i) relating to the support or opposition of
6 any executive, legislative, or administrative action (as those
7 terms are defined in Section 2 of the Lobbyist Registration
8 Act), (ii) relating to collective bargaining, or (iii) that are
9 otherwise in furtherance of the person's official State duties.

10 "Candidate" means a person who has filed nominating papers
11 or petitions for nomination or election to an elected State
12 office, or who has been appointed to fill a vacancy in
13 nomination, and who remains eligible for placement on the
14 ballot at either a general primary election or general
15 election.

16 "Collective bargaining" has the same meaning as that term
17 is defined in Section 3 of the Illinois Public Labor Relations
18 Act.

19 "Commission" means an ethics commission created by this
20 Act.

21 "Compensated time" means any time worked by or credited to
22 a State employee that counts toward any minimum work time
23 requirement imposed as a condition of employment with a State
24 agency, but does not include any designated State holidays or
25 any period when the employee is on a leave of absence.

26 "Compensatory time off" means authorized time off earned by

1 or awarded to a State employee to compensate in whole or in
2 part for time worked in excess of the minimum work time
3 required of that employee as a condition of employment with a
4 State agency.

5 "Contribution" has the same meaning as that term is defined
6 in Section 9-1.4 of the Election Code.

7 "Employee" means (i) any person employed full-time,
8 part-time, or pursuant to a contract and whose employment
9 duties are subject to the direction and control of an employer
10 with regard to the material details of how the work is to be
11 performed or (ii) any appointed or elected commissioner,
12 trustee, director, or board member of a board of a State
13 agency, including any retirement system or investment board
14 subject to the Illinois Pension Code or (iii) any other
15 appointee.

16 "Employment benefits" include but are not limited to the
17 following: modified compensation or benefit terms; compensated
18 time off; or change of title, job duties, or location of office
19 or employment. An employment benefit may also include favorable
20 treatment in determining whether to bring any disciplinary or
21 similar action or favorable treatment during the course of any
22 disciplinary or similar action or other performance review.

23 "Executive branch constitutional officer" means the
24 Governor, Lieutenant Governor, Attorney General, Secretary of
25 State, Comptroller, and Treasurer.

26 "Gift" means any gratuity, discount, entertainment,

1 hospitality, loan, forbearance, or other tangible or
2 intangible item having monetary value including, but not
3 limited to, cash, food and drink, and honoraria for speaking
4 engagements related to or attributable to government
5 employment or the official position of an employee, member, or
6 officer. The value of a gift may be further defined by rules
7 adopted by the appropriate ethics commission or by the Auditor
8 General for the Auditor General and for employees of the office
9 of the Auditor General.

10 "Governmental entity" means a unit of local government
11 (including a community college district) or a school district
12 but not a State agency or a Regional Transit Board.

13 "Inspector General" means an Executive Inspector General,
14 the Legislative Inspector General, or any other inspector
15 general created and authorized under this Act.

16 "Leave of absence" means any period during which a State
17 employee does not receive (i) compensation for State
18 employment, (ii) service credit towards State pension
19 benefits, and (iii) health insurance benefits paid for by the
20 State.

21 "Legislative branch constitutional officer" means a member
22 of the General Assembly and the Auditor General.

23 "Legislative leader" means the President and Minority
24 Leader of the Senate and the Speaker and Minority Leader of the
25 House of Representatives.

26 "Member" means a member of the General Assembly.

1 "Officer" means an executive branch constitutional officer
2 or a legislative branch constitutional officer.

3 "Political" means any activity in support of or in
4 connection with any campaign for elective office or any
5 political organization, but does not include activities (i)
6 relating to the support or opposition of any executive,
7 legislative, or administrative action (as those terms are
8 defined in Section 2 of the Lobbyist Registration Act), (ii)
9 relating to collective bargaining, or (iii) that are otherwise
10 in furtherance of the person's official State duties or
11 governmental and public service functions.

12 "Political organization" means a party, committee,
13 association, fund, or other organization (whether or not
14 incorporated) that is required to file a statement of
15 organization with the State Board of Elections or a county
16 clerk under Section 9-3 of the Election Code, but only with
17 regard to those activities that require filing with the State
18 Board of Elections or a county clerk.

19 "Prohibited political activity" means:

20 (1) Preparing for, organizing, or participating in any
21 political meeting, political rally, political
22 demonstration, or other political event.

23 (2) Soliciting contributions, including but not
24 limited to the purchase of, selling, distributing, or
25 receiving payment for tickets for any political
26 fundraiser, political meeting, or other political event.

1 (3) Soliciting, planning the solicitation of, or
2 preparing any document or report regarding any thing of
3 value intended as a campaign contribution.

4 (4) Planning, conducting, or participating in a public
5 opinion poll in connection with a campaign for elective
6 office or on behalf of a political organization for
7 political purposes or for or against any referendum
8 question.

9 (5) Surveying or gathering information from potential
10 or actual voters in an election to determine probable vote
11 outcome in connection with a campaign for elective office
12 or on behalf of a political organization for political
13 purposes or for or against any referendum question.

14 (6) Assisting at the polls on election day on behalf of
15 any political organization or candidate for elective
16 office or for or against any referendum question.

17 (7) Soliciting votes on behalf of a candidate for
18 elective office or a political organization or for or
19 against any referendum question or helping in an effort to
20 get voters to the polls.

21 (8) Initiating for circulation, preparing,
22 circulating, reviewing, or filing any petition on behalf of
23 a candidate for elective office or for or against any
24 referendum question.

25 (9) Making contributions on behalf of any candidate for
26 elective office in that capacity or in connection with a

1 campaign for elective office.

2 (10) Preparing or reviewing responses to candidate
3 questionnaires in connection with a campaign for elective
4 office or on behalf of a political organization for
5 political purposes.

6 (11) Distributing, preparing for distribution, or
7 mailing campaign literature, campaign signs, or other
8 campaign material on behalf of any candidate for elective
9 office or for or against any referendum question.

10 (12) Campaigning for any elective office or for or
11 against any referendum question.

12 (13) Managing or working on a campaign for elective
13 office or for or against any referendum question.

14 (14) Serving as a delegate, alternate, or proxy to a
15 political party convention.

16 (15) Participating in any recount or challenge to the
17 outcome of any election, except to the extent that under
18 subsection (d) of Section 6 of Article IV of the Illinois
19 Constitution each house of the General Assembly shall judge
20 the elections, returns, and qualifications of its members.

21 "Prohibited source" means any person or entity who:

22 (1) is seeking official action (i) by the member or
23 officer or (ii) in the case of an employee, by the employee
24 or by the member, officer, State agency, or other employee
25 directing the employee;

26 (2) does business or seeks to do business (i) with the

1 member or officer or (ii) in the case of an employee, with
2 the employee or with the member, officer, State agency, or
3 other employee directing the employee;

4 (3) conducts activities regulated (i) by the member or
5 officer or (ii) in the case of an employee, by the employee
6 or by the member, officer, State agency, or other employee
7 directing the employee;

8 (4) has interests that may be substantially affected by
9 the performance or non-performance of the official duties
10 of the member, officer, or employee;

11 (5) is registered or required to be registered with the
12 Secretary of State under the Lobbyist Registration Act,
13 except that an entity not otherwise a prohibited source
14 does not become a prohibited source merely because a
15 registered lobbyist is one of its members or serves on its
16 board of directors; or

17 (6) is an agent of, a spouse of, or an immediate family
18 member who is living with a "prohibited source".

19 "Regional Transit Boards" means (i) the Regional
20 Transportation Authority created by the Regional
21 Transportation Authority Act, (ii) the Suburban Bus Division
22 created by the Regional Transportation Authority Act, (iii) the
23 Commuter Rail Division created by the Regional Transportation
24 Authority Act, and (iv) the Chicago Transit Authority created
25 by the Metropolitan Transit Authority Act.

26 "State agency" includes all officers, boards, commissions

1 and agencies created by the Constitution, whether in the
2 executive or legislative branch; all officers, departments,
3 boards, commissions, agencies, institutions, authorities,
4 public institutions of higher learning as defined in Section 2
5 of the Higher Education Cooperation Act (except community
6 colleges), and bodies politic and corporate of the State; and
7 administrative units or corporate outgrowths of the State
8 government which are created by or pursuant to statute, other
9 than units of local government (including community college
10 districts) and their officers, school districts, and boards of
11 election commissioners; and all administrative units and
12 corporate outgrowths of the above and as may be created by
13 executive order of the Governor. "State agency" includes the
14 General Assembly, the Senate, the House of Representatives, the
15 President and Minority Leader of the Senate, the Speaker and
16 Minority Leader of the House of Representatives, the Senate
17 Operations Commission, and the legislative support services
18 agencies. "State agency" includes the Office of the Auditor
19 General. "State agency" does not include the judicial branch.

20 "State employee" means any employee of a State agency.

21 "Ultimate jurisdictional authority" means the following:

22 (1) For members, legislative partisan staff, and
23 legislative secretaries, the appropriate legislative
24 leader: President of the Senate, Minority Leader of the
25 Senate, Speaker of the House of Representatives, or
26 Minority Leader of the House of Representatives.

1 (2) For State employees who are professional staff or
2 employees of the Senate and not covered under item (1), the
3 Senate Operations Commission.

4 (3) For State employees who are professional staff or
5 employees of the House of Representatives and not covered
6 under item (1), the Speaker of the House of
7 Representatives.

8 (4) For State employees who are employees of the
9 legislative support services agencies, the Joint Committee
10 on Legislative Support Services.

11 (5) For State employees of the Auditor General, the
12 Auditor General.

13 (6) For State employees of public institutions of
14 higher learning as defined in Section 2 of the Higher
15 Education Cooperation Act (except community colleges), the
16 board of trustees of the appropriate public institution of
17 higher learning.

18 (7) For State employees of an executive branch
19 constitutional officer other than those described in
20 paragraph (6), the appropriate executive branch
21 constitutional officer.

22 (8) For State employees not under the jurisdiction of
23 paragraph (1), (2), (3), (4), (5), (6), or (7), the
24 Governor.

25 (9) For employees of Regional Transit Boards, the
26 appropriate Regional Transit Board.

1 (10) For board members of Regional Transit Boards, the
2 Governor.

3 (Source: P.A. 96-6, eff. 4-3-09; 96-555, eff. 8-18-09; 96-1528,
4 eff. 7-1-11; 96-1533, eff. 3-4-11; 97-813, eff. 7-13-12.)

5 (5 ILCS 430/5-70 new)

6 Sec. 5-70. Rights of complainants.

7 (a) As used in this Section, "complainant" means a person
8 who makes a complaint and is also the identified victim within
9 the complaint or a person who is the identified victim within a
10 complaint filed with the Office of an Inspector General against
11 any officer of the State or State employee alleging violations
12 of any laws, policies, procedures, or rules established under
13 this Act.

14 (b) Each complainant under this Act has a right to the
15 following:

16 (1) to be notified of the complainant's rights and
17 receive an explanation of the process, rules, and
18 procedures related to the complainant's rights, including,
19 but not limited to, the duties of the Inspector General and
20 the appropriate Ethics Commission, within 5 business days
21 of filing a complaint with the Inspector General;

22 (2) to be notified of the receipt of his or her
23 complaint by the Inspector General; notice must be provided
24 within 5 business days for complaints of sexual harassment
25 or any other type of discrimination, and no later than 30

1 business days for all other complaints;

2 (3) to be informed of the decision made and actions
3 taken by the Inspector General as to whether the complaint
4 warrants an investigation or referral; information must be
5 provided within 2 business days for complaints of sexual
6 harassment or any other type of discrimination, and no
7 later than 30 business days for all other complaints;

8 (4) to have a union representative, attorney,
9 co-worker, or other support person uninvolved in the
10 investigation of the complainant's choice, and at the
11 complainant's expense, present at any and all interviews or
12 meetings, whether in person or by any other form of
13 communication, that are held between the complainant and
14 the Inspector General;

15 (5) to receive the Inspector General's summary of the
16 information provided by the complainant to the Inspector
17 General, including any and all statements and evidence
18 provided by the complainant, for the complainant's review
19 and for the complainant to suggest any necessary
20 corrections to the summary or suggest additional content
21 for the Inspector General's summary of the complainant's
22 statements and evidence;

23 (6) to submit a victim impact statement that shall be
24 included in the Inspector General's summary report to the
25 appropriate Ethics Commission for its consideration in
26 determining an appropriate outcome;

1 (7) to testify and be heard at a hearing on the
2 complaint;

3 (8) to have a union representative, attorney,
4 co-worker, or other support person uninvolved in the
5 investigation of the complainant's choice, and at the
6 complainant's expense, accompany the complainant while
7 testifying and being heard at any hearing on the complaint;

8 (9) to receive any summary report planned for public
9 publication within 5 business days prior to it being made
10 public to ensure all personal identifying information has
11 been appropriately redacted;

12 (10) to receive a copy of the report issued by the
13 Inspector General and redacted by the Ethics Commission if
14 the complaint is found to be unfounded within 5 business
15 days of the final decision; and

16 (11) to file a complaint with the Inspector General for
17 any violation of the complainant's rights under this
18 Section that is subject to the fines and penalties
19 established under this Act.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.".