



Sen. Debbie DeFrancesco Halvorson

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LRB095 05392 JAM 33983 a

1 AMENDMENT TO SENATE BILL 753

2 AMENDMENT NO. _____. Amend Senate Bill 753 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 Sections 1-5 and 70-5 as follows:

6 (5 ILCS 430/1-5)

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

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

11 "Campaign for elective office" means any activity in
12 furtherance of an effort to influence the selection,
13 nomination, election, or appointment of any individual to any
14 federal, State, or local public office or office in a political
15 organization, or the selection, nomination, or election of
16 Presidential or Vice-Presidential electors, but does not

1 include activities (i) relating to the support or opposition of
2 any executive, legislative, or administrative action (as those
3 terms are defined in Section 2 of the Lobbyist Registration
4 Act), (ii) relating to collective bargaining, or (iii) that are
5 otherwise in furtherance of the person's official State duties.

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

12 "Collective bargaining" has the same meaning as that term
13 is defined in Section 3 of the Illinois Public Labor Relations
14 Act.

15 "Commission" means an ethics commission created by this
16 Act.

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

22 "Compensatory time off" means authorized time off earned by
23 or awarded to a State employee to compensate in whole or in
24 part for time worked in excess of the minimum work time
25 required of that employee as a condition of employment with a
26 State agency.

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

3 "Employee" means (i) any person employed full-time,
4 part-time, or pursuant to a contract and whose employment
5 duties are subject to the direction and control of an employer
6 with regard to the material details of how the work is to be
7 performed or (ii) any appointee.

8 "Executive branch constitutional officer" means the
9 Governor, Lieutenant Governor, Attorney General, Secretary of
10 State, Comptroller, and Treasurer.

11 "Gift" means any gratuity, discount, entertainment,
12 hospitality, loan, forbearance, or other tangible or
13 intangible item having monetary value including, but not
14 limited to, cash, food and drink, and honoraria for speaking
15 engagements related to or attributable to government
16 employment or the official position of an employee, member, or
17 officer.

18 "Governmental entity" means a unit of local government
19 (including a community college district) or a school district
20 but not a State agency.

21 "Leave of absence" means any period during which a State
22 employee does not receive (i) compensation for State
23 employment, (ii) service credit towards State pension
24 benefits, and (iii) health insurance benefits paid for by the
25 State.

26 "Legislative branch constitutional officer" means a member

1 of the General Assembly and the Auditor General.

2 "Legislative leader" means the President and Minority
3 Leader of the Senate and the Speaker and Minority Leader of the
4 House of Representatives.

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

6 "Officer" means an executive branch constitutional officer
7 or a legislative branch constitutional officer.

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

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

24 "Prohibited political activity" means:

25 (1) Preparing for, organizing, or participating in any
26 political meeting, political rally, political

1 demonstration, or other political event.

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

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

9 (4) Planning, conducting, or participating in a public
10 opinion poll in connection with a campaign for elective
11 office or on behalf of a political organization for
12 political purposes or for or against any referendum
13 question.

14 (5) Surveying or gathering information from potential
15 or actual voters in an election to determine probable vote
16 outcome in connection with a campaign for elective office
17 or on behalf of a political organization for political
18 purposes or for or against any referendum question.

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

22 (7) Soliciting votes on behalf of a candidate for
23 elective office or a political organization or for or
24 against any referendum question or helping in an effort to
25 get voters to the polls.

26 (8) Initiating for circulation, preparing,

1 circulating, reviewing, or filing any petition on behalf of
2 a candidate for elective office or for or against any
3 referendum question.

4 (9) Making contributions on behalf of any candidate for
5 elective office in that capacity or in connection with a
6 campaign for elective office.

7 (10) Preparing or reviewing responses to candidate
8 questionnaires in connection with a campaign for elective
9 office or on behalf of a political organization for
10 political purposes.

11 (11) Distributing, preparing for distribution, or
12 mailing campaign literature, campaign signs, or other
13 campaign material on behalf of any candidate for elective
14 office or for or against any referendum question.

15 (12) Campaigning for any elective office or for or
16 against any referendum question.

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

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

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

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

1 (1) is seeking official action (i) by the member or
2 officer or (ii) in the case of an employee, by the employee
3 or by the member, officer, State agency, or other employee
4 directing the employee;

5 (2) does business or seeks to do business (i) with the
6 member or officer or (ii) in the case of an employee, with
7 the employee or with the member, officer, State agency, or
8 other employee directing the employee;

9 (3) conducts activities regulated (i) by the member or
10 officer or (ii) in the case of an employee, by the employee
11 or by the member, officer, State agency, or other employee
12 directing the employee;

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

16 (5) is registered or required to be registered with the
17 Secretary of State under the Lobbyist Registration Act,
18 except that an entity not otherwise a prohibited source
19 does not become a prohibited source merely because a
20 registered lobbyist is one of its members or serves on its
21 board of directors.

22 "State agency" includes all officers, boards, commissions
23 and agencies created by the Constitution, whether in the
24 executive or legislative branch; all officers, departments,
25 boards, commissions, agencies, institutions, authorities,
26 public institutions of higher learning as defined in Section 2

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

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

17 "Ultimate jurisdictional authority" means the following:

18 (1) For members, legislative partisan staff, and
19 legislative secretaries, the appropriate legislative
20 leader: President of the Senate, Minority Leader of the
21 Senate, Speaker of the House of Representatives, or
22 Minority Leader of the House of Representatives.

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

26 (3) For State employees who are professional staff or

1 employees of the House of Representatives and not covered
2 under item (1), the Speaker of the House of
3 Representatives.

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

7 (5) For State employees of the Auditor General, the
8 Auditor General.

9 (6) For State employees of public institutions of
10 higher learning as defined in Section 2 of the Higher
11 Education Cooperation Act (except community colleges), the
12 board of trustees of the appropriate public institution of
13 higher learning.

14 (7) For State employees of an executive branch
15 constitutional officer other than those described in
16 paragraph (6), the appropriate executive branch
17 constitutional officer.

18 (8) For State employees not under the jurisdiction of
19 paragraph (1), (2), (3), (4), (5), (6), or (7), the
20 Governor.

21 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03;
22 93-685, eff. 7-8-04.)

23 (5 ILCS 430/70-5)

24 Sec. 70-5. Adoption by governmental entities.

25 (a) Within 6 months after the effective date of this Act,

1 each governmental entity other than a community college
2 district, and each community college district within 6 months
3 after the effective date of this amendatory Act of the 95th
4 General Assembly, shall adopt an ordinance or resolution that
5 regulates, in a manner no less restrictive than Section 5-15
6 and Article 10 of this Act, (i) the political activities of
7 officers and employees of the governmental entity and (ii) the
8 soliciting and accepting of gifts by and the offering and
9 making of gifts to officers and employees of the governmental
10 entity.

11 (b) Within 3 months after the effective date of this
12 amendatory Act of the 93rd General Assembly, the Attorney
13 General shall develop model ordinances and resolutions for the
14 purpose of this Article. The Attorney General shall advise
15 governmental entities on their contents and adoption.

16 (c) As used in this Article, (i) an "officer" means an
17 elected or appointed official; regardless of whether the
18 official is compensated, and (ii) an "employee" means a
19 full-time, part-time, or contractual employee.

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

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