



Rep. Anne Stava-Murray

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10100HB1474ham001

LRB101 07034 AMC 57081 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 "Complainant" means a person who makes a complaint with the
6 Office of an Inspector General against any officer of the State
7 or State employee alleging violations of any laws, policies,
8 procedures, or rules established under this Act.

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

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

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

1 "Executive branch constitutional officer" means the
2 Governor, Lieutenant Governor, Attorney General, Secretary of
3 State, Comptroller, and Treasurer.

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

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

17 "Inspector General" means an Executive Inspector General,
18 the Legislative Inspector General, or any other inspector
19 general created and authorized under this Act.

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

25 "Legislative branch constitutional officer" means a member
26 of the General Assembly and the Auditor General.

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

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

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

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

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

23 "Prohibited political activity" means:

24 (1) Preparing for, organizing, or participating in any
25 political meeting, political rally, political
26 demonstration, or other political event.

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

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

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

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

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

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

25 (8) Initiating for circulation, preparing,
26 circulating, reviewing, or filing any petition on behalf of

1 a candidate for elective office or for or against any
2 referendum question.

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

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

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

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

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

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

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

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

26 (1) is seeking official action (i) by the member or

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

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

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

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

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

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

23 "Regional Transit Boards" means (i) the Regional
24 Transportation Authority created by the Regional
25 Transportation Authority Act, (ii) the Suburban Bus Division
26 created by the Regional Transportation Authority Act, (iii) the

1 Commuter Rail Division created by the Regional Transportation
2 Authority Act, and (iv) the Chicago Transit Authority created
3 by the Metropolitan Transit Authority Act.

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

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

25 "Ultimate jurisdictional authority" means the following:

26 (1) For members, legislative partisan staff, and

1 legislative secretaries, the appropriate legislative
2 leader: President of the Senate, Minority Leader of the
3 Senate, Speaker of the House of Representatives, or
4 Minority Leader of the House of Representatives.

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

8 (3) For State employees who are professional staff or
9 employees of the House of Representatives and not covered
10 under item (1), the Speaker of the House of
11 Representatives.

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

15 (5) For State employees of the Auditor General, the
16 Auditor General.

17 (6) For State employees of public institutions of
18 higher learning as defined in Section 2 of the Higher
19 Education Cooperation Act (except community colleges), the
20 board of trustees of the appropriate public institution of
21 higher learning.

22 (7) For State employees of an executive branch
23 constitutional officer other than those described in
24 paragraph (6), the appropriate executive branch
25 constitutional officer.

26 (8) For State employees not under the jurisdiction of

1 paragraph (1), (2), (3), (4), (5), (6), or (7), the
2 Governor.

3 (9) For employees of Regional Transit Boards, the
4 appropriate Regional Transit Board.

5 (10) For board members of Regional Transit Boards, the
6 Governor.

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

9 (5 ILCS 430/5-70 new)

10 Sec. 5-70. Rights of complainants. Each complainant under
11 this Act has a right to the following:

12 (1) to be notified of the complainant's rights and
13 receive an explanation of the process, rules, and
14 procedures related to the complainant's rights, including,
15 but not limited to, the duties of the Inspector General and
16 the appropriate Ethics Commission within 48 hours of filing
17 a complaint with the Inspector General;

18 (2) to be notified of the receipt of his or her
19 complaint by the Inspector General; notice must be provided
20 within 48 hours for complaints of sexual harassment or any
21 other type of discrimination, and no later than 30 days for
22 all other complaints;

23 (3) to be informed of the decision made and actions
24 taken by the Inspector General as to whether the complaint
25 warrants an investigation or referral; information must be

1 provided within 48 hours for complaints of sexual
2 harassment or any other type of discrimination, and no
3 later than 30 days for all other complaints;

4 (4) to have an attorney or support person of the
5 complainant's choice, and at the complainant's expense,
6 present at any and all interviews or meetings, whether in
7 person or by any other form of communication, that are held
8 between the complainant and the Inspector General;

9 (5) to receive the Inspector General's summary of the
10 information provided by the complainant to the Inspector
11 General, including any and all statements and evidence
12 provided by the complainant, for the complainant's review
13 and for the complainant to make any necessary corrections
14 to the summary or provide additional content for inclusion
15 in the Inspector General's summary of the complainant's
16 statements and evidence;

17 (6) to submit a victim impact statement that shall be
18 included in the Inspector General's summary report to the
19 appropriate Ethics Commission for its consideration in
20 determining an appropriate outcome;

21 (7) to testify and be heard at a hearing on the
22 complaint;

23 (8) to have an attorney or other support person of the
24 complainant's choice, and at the complainant's expense,
25 accompany the complainant while testifying and being heard
26 at a hearing on the complaint;

1 (9) to receive any summary report planned for public
2 publication within 7 days prior to it being made public to
3 ensure all personal identifying information has been
4 appropriately redacted;

5 (10) to a redacted decision of the Ethics Commission if
6 the complaint is found to be unfounded within 7 days of the
7 final decision; and

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

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.".