



Rep. John Connor

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1 AMENDMENT TO HOUSE BILL 4426

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4426 by replacing  
3 line 4 on page 1 through line 8 on page 11 with the following:

4 "Section 5. The Voluntary Payroll Deductions Act of 1983 is  
5 amended by changing Sections 3, 5, 6, and 7 as follows:

6 (5 ILCS 340/3) (from Ch. 15, par. 503)

7 Sec. 3. Definitions. As used in this Act unless the context  
8 otherwise requires:

9 (a) "Employee" means any regular officer or employee who  
10 receives salary or wages for personal services rendered to the  
11 State of Illinois, and includes an individual hired as an  
12 employee by contract with that individual.

13 (b) "Qualified organization" means an organization  
14 representing one or more benefiting agencies, which  
15 organization is designated by the State Comptroller as  
16 qualified to receive payroll deductions under this Act. An

1 organization desiring to be designated as a qualified  
2 organization shall:

3 (1) Submit written or electronic designations on forms  
4 approved by the State Comptroller by 500 or more employees  
5 or State annuitants, in which such employees or State  
6 annuitants indicate that the organization is one for which  
7 the employee or State annuitant intends to authorize  
8 withholding. The forms shall require the name, last 4  
9 digits only of the social security number, and employing  
10 State agency for each employee. Until January 1, 2021, upon  
11 ~~Upon~~ notification by the Comptroller that such forms have  
12 been approved, the organization shall, within 30 days,  
13 notify in writing the Governor or his or her designee of  
14 its intention to obtain the required number of  
15 designations. Beginning on and after January 1, 2021, the  
16 organization shall, within 30 days after notification from  
17 the Comptroller that such forms have been approved, notify  
18 in writing the Comptroller or his or her designee of its  
19 intention to obtain the required number of designations.

20 Such organization shall have 12 months from that date to  
21 obtain the necessary designations and return to the State  
22 Comptroller's office the completed designations, which  
23 shall be subject to verification procedures established by  
24 the State Comptroller;

25 (2) Certify that all benefiting agencies are tax exempt  
26 under Section 501(c)(3) of the Internal Revenue Code;

1           (3) Certify that all benefiting agencies are in  
2 compliance with the Illinois Human Rights Act;

3           (4) Certify that all benefiting agencies are in  
4 compliance with the Charitable Trust Act and the  
5 Solicitation for Charity Act;

6           (5) Certify that all benefiting agencies actively  
7 conduct health or welfare programs and provide services to  
8 individuals directed at one or more of the following common  
9 human needs within a community: service, research, and  
10 education in the health fields; family and child care  
11 services; protective services for children and adults;  
12 services for children and adults in foster care; services  
13 related to the management and maintenance of the home; day  
14 care services for adults; transportation services;  
15 information, referral and counseling services; services to  
16 eliminate illiteracy; the preparation and delivery of  
17 meals; adoption services; emergency shelter care and  
18 relief services; disaster relief services; safety  
19 services; neighborhood and community organization  
20 services; recreation services; social adjustment and  
21 rehabilitation services; health support services; or a  
22 combination of such services designed to meet the special  
23 needs of specific groups, such as children and youth, the  
24 ill and infirm, and persons with physical disabilities; and  
25 that all such benefiting agencies provide the above  
26 described services to individuals and their families in the

1 community and surrounding area in which the organization  
2 conducts its fund drive, or that such benefiting agencies  
3 provide relief to victims of natural disasters and other  
4 emergencies on a where and as needed basis;

5 (6) Certify that the organization has disclosed the  
6 percentage of the organization's total collected receipts  
7 from employees or State annuitants that are distributed to  
8 the benefiting agencies and the percentage of the  
9 organization's total collected receipts from employees or  
10 State annuitants that are expended for fund-raising and  
11 overhead costs. These percentages shall be the same  
12 percentage figures annually disclosed by the organization  
13 to the Attorney General. The disclosure shall be made to  
14 all solicited employees and State annuitants and shall be  
15 in the form of a factual statement on all petitions and in  
16 the campaign's brochures for employees and State  
17 annuitants;

18 (7) Certify that all benefiting agencies receiving  
19 funds which the employee or State annuitant has requested  
20 or designated for distribution to a particular community  
21 and surrounding area use a majority of such funds  
22 distributed for services in the actual provision of  
23 services in that community and surrounding area;

24 (8) Certify that neither it nor its member  
25 organizations will solicit State employees for  
26 contributions at their workplace, except pursuant to this

1 Act and the rules promulgated thereunder. Each qualified  
2 organization, and each participating United Fund, is  
3 encouraged to cooperate with all others and with all State  
4 agencies and educational institutions so as to simplify  
5 procedures, to resolve differences and to minimize costs;

6 (9) Until January 1, 2021, certify ~~Certify~~ that it will  
7 pay its share of the campaign costs and will comply with  
8 the Code of Campaign Conduct as approved by the Governor or  
9 other agency as designated by the Governor; ~~and~~

10 (9.5) Beginning on and after January 1, 2021, certify  
11 that it will pay its share of the campaign costs and will  
12 comply with the Code of Campaign Conduct as approved by the  
13 Comptroller or other agency as designated by the  
14 Comptroller; and

15 (10) Certify that it maintains a year-round office, the  
16 telephone number, and person responsible for the  
17 operations of the organization in Illinois. That  
18 information shall be provided to the State Comptroller at  
19 the time the organization is seeking participation under  
20 this Act.

21 Each qualified organization shall submit to the State  
22 Comptroller between January 1 and March 1 of each year, a  
23 statement that the organization is in compliance with all of  
24 the requirements set forth in paragraphs (2) through (10). The  
25 State Comptroller shall exclude any organization that fails to  
26 submit the statement from the next solicitation period.

1           In order to be designated as a qualified organization, the  
2 organization shall have existed at least 2 years prior to  
3 submitting the written or electronic designation forms  
4 required in paragraph (1) and shall certify to the State  
5 Comptroller that such organization has been providing services  
6 described in paragraph (5) in Illinois. If the organization  
7 seeking designation represents more than one benefiting  
8 agency, it need not have existed for 2 years but shall certify  
9 to the State Comptroller that each of its benefiting agencies  
10 has existed for at least 2 years prior to submitting the  
11 written or electronic designation forms required in paragraph  
12 (1) and that each has been providing services described in  
13 paragraph (5) in Illinois.

14           Organizations which have met the requirements of this Act  
15 shall be permitted to participate in the Program State and  
16 ~~Universities Combined Appeal~~ as of January 1st of the year  
17 immediately following their approval by the Comptroller.

18           Where the certifications described in paragraphs (2), (3),  
19 (4), (5), (6), (7), (8), (9), and (10) above are made by an  
20 organization representing more than one benefiting agency they  
21 shall be based upon the knowledge and belief of such qualified  
22 organization. Any qualified organization shall immediately  
23 notify the State Comptroller in writing if the qualified  
24 organization receives information or otherwise believes that a  
25 benefiting agency is no longer in compliance with the  
26 certification of the qualified organization. A qualified

1 organization representing more than one benefiting agency  
2 shall thereafter withhold and refrain from distributing to such  
3 benefiting agency those funds received pursuant to this Act  
4 until the benefiting agency is again in compliance with the  
5 qualified organization's certification. The qualified  
6 organization shall immediately notify the State Comptroller of  
7 the benefiting agency's resumed compliance with the  
8 certification, based upon the qualified organization's  
9 knowledge and belief, and shall pay over to the benefiting  
10 agency those funds previously withheld.

11 In order to qualify, a qualified organization must receive  
12 250 deduction pledges from the immediately preceding  
13 solicitation period as set forth in Section 6. The Comptroller  
14 shall, by February 1st of each year, so notify any qualified  
15 organization that failed to receive the minimum deduction  
16 requirement. The notification shall give such qualified  
17 organization until March 1st to provide the Comptroller with  
18 documentation that the minimum deduction requirement has been  
19 met. On the basis of all the documentation, the Comptroller  
20 shall, until January 1, 2021, by March 15th of each year,  
21 submit to the Governor or his or her designee, or such other  
22 agency as may be determined by the Governor, a list of all  
23 organizations which have met the minimum payroll deduction  
24 requirement. Beginning on and after January 1, 2021, the  
25 Comptroller shall, by March 15 of each year, make the list of  
26 all organizations which have met the minimum payroll deduction

1 requirement publicly available without submitting such list to  
2 the Governor. Only those organizations which have met such  
3 requirements, as well as the other requirements of this  
4 Section, shall be permitted to solicit State employees or State  
5 annuitants for voluntary contributions, and the Comptroller  
6 shall discontinue withholding for any such organization which  
7 fails to meet these requirements, except qualified  
8 organizations that received deduction pledges during the 2004  
9 solicitation period are deemed to be qualified for the 2005  
10 solicitation period.

11 (c) "United Fund" means the organization conducting the  
12 single, annual, consolidated effort to secure funds for  
13 distribution to agencies engaged in charitable and public  
14 health, welfare and services purposes, which is commonly known  
15 as the United Fund, or the organization which serves in place  
16 of the United Fund organization in communities where an  
17 organization known as the United Fund is not organized.

18 In order for a United Fund to participate in the Program  
19 ~~State and Universities Employees Combined Appeal~~, it shall  
20 comply with the provisions of paragraph (9) of subsection (b).

21 (d) "Program" ~~"State and Universities Employees Combined~~  
22 ~~Appeal"~~, otherwise known as "~~SECA~~", means the State-directed  
23 joint effort of all of the qualified organizations, together  
24 with the United Funds, for the solicitation of voluntary  
25 contributions from State and University employees and State  
26 annuitants.



1 (e) "Retirement system" means any or all of the following:  
2 the General Assembly Retirement System, the State Employees'  
3 Retirement System of Illinois, the State Universities  
4 Retirement System, the Teachers' Retirement System of the State  
5 of Illinois, and the Judges Retirement System.

6 (f) "State annuitant" means a person receiving an annuity  
7 or disability benefit under Article 2, 14, 15, 16, or 18 of the  
8 Illinois Pension Code.

9 (Source: P.A. 99-143, eff. 7-27-15.)

10 (5 ILCS 340/5) (from Ch. 15, par. 505)

11 Sec. 5. Rules; Advisory Committee. The State Comptroller  
12 shall adopt ~~promulgate~~ and issue reasonable rules ~~and~~  
13 ~~regulations~~ as deemed necessary for the administration of this  
14 Act.

15 However, all solicitations of State employees for  
16 contributions at their workplace and all solicitations of State  
17 annuitants for contributions shall, until January 1, 2021, be  
18 in accordance with rules adopted ~~promulgated~~ by the Governor or  
19 his or her designee or other agency as may be designated by the  
20 Governor. Beginning on and after January 1, 2021, all  
21 solicitations of State employees for contributions at their  
22 workplace and all solicitations of State annuitants for  
23 contributions shall be in accordance with rules adopted by the  
24 Comptroller or his or her designee. All solicitations of State  
25 annuitants for contributions shall also be in accordance with

1 the rules adopted ~~promulgated~~ by the applicable retirement  
2 system.

3 The rules adopted under this Section ~~promulgated by the~~  
4 ~~Governor or his or her designee or other agency as designated~~  
5 ~~by the Governor~~ shall include a Code of Campaign Conduct that  
6 all qualified organizations and United Funds shall subscribe to  
7 in writing, sanctions for violations of the Code of Campaign  
8 Conduct, provision for the handling of cash contributions,  
9 provision for an Advisory Committee, provisions for the  
10 allocation of expenses among the participating organizations,  
11 an organizational plan and structure whereby responsibilities  
12 are set forth for the appropriate State employees or State  
13 annuitants and the participating organizations, and any other  
14 matters that are necessary to accomplish the purposes of this  
15 Act.

16 The Governor or the Governor's designee shall, until  
17 January 1, 2021, adopt ~~promulgate~~ rules to establish the  
18 composition and the duties of the Advisory Committee, and ~~The~~  
19 ~~Governor or the Governor's designee~~ shall make appointments to  
20 the Advisory Committee. Beginning on and after January 1, 2021,  
21 the Comptroller or his or her designee shall adopt rules to  
22 establish the composition and the duties of the Advisory  
23 Committee, and shall make appointments to the Advisory  
24 Committee. The powers of the Advisory Committee shall include,  
25 at a minimum, the ability to impose the sanctions authorized by  
26 rule. Each State agency and each retirement system shall file

1 an annual report that sets forth, for the prior calendar year,  
2 (i) the total amount of money contributed to each qualified  
3 organization and united fund through both payroll deductions  
4 and cash contributions, (ii) the number of employees or State  
5 annuitants who have contributed to each qualified organization  
6 and united fund, and (iii) any other information required by  
7 the rules. The report shall not include the names of any  
8 contributing or non-contributing employees or State  
9 annuitants. The report shall be filed with the Advisory  
10 Committee no later than March 15. The report shall be available  
11 for inspection.

12 Other constitutional officers, retirement systems, the  
13 University of Illinois, Southern Illinois University, Chicago  
14 State University, Eastern Illinois University, Governors State  
15 University, Illinois State University, Northeastern Illinois  
16 University, Northern Illinois University, and Western Illinois  
17 University shall be governed by the rules promulgated pursuant  
18 to this Section, unless such entities adopt their own rules  
19 governing solicitation of contributions at the workplace.

20 All rules promulgated pursuant to this Section shall not  
21 discriminate against one or more qualified organizations or  
22 United Funds.

23 (Source: P.A. 90-799, eff. 6-1-99; 91-896, eff. 7-6-00.)

24 (5 ILCS 340/6) (from Ch. 15, par. 506)

25 Sec. 6. Pursuant to the provision of Section 5, rules shall

1 be promulgated which establish a period between September 1 and  
2 November 30 during which all qualified organizations and United  
3 Funds shall be permitted to solicit State employees for  
4 voluntary contributions at their places of work. However, State  
5 and university employees hired at any time after the official  
6 8-week campaign period may make voluntary contributions  
7 through payroll withholding. The informational materials from  
8 the immediately prior Program ~~SECA~~ campaign period may be  
9 provided to each such employee. No organization shall solicit  
10 State employees for contributions at their places of work,  
11 except pursuant to the provisions of this Act and the rules  
12 promulgated thereunder.

13 (Source: P.A. 93-238, eff. 7-22-03.)

14 (5 ILCS 340/7) (from Ch. 15, par. 507)

15 Sec. 7. Notwithstanding any other provision of this Act, a  
16 participating organization or a United Fund may be denied  
17 participation in the Program ~~SECA~~ for willful failure to comply  
18 with the provisions of paragraph (9) of subsection (b) of  
19 Section 3 of this Act. Until January 1, 2021, the ~~The~~ agency  
20 designated by the Governor under paragraph (9) of subsection  
21 (b) of Section 3 of this Act shall adopt rules providing for  
22 procedures for review by the agency of alleged violations of  
23 that paragraph and appropriate remedial sanctions for  
24 noncompliance. Beginning on and after January 1, 2021, the  
25 Comptroller shall adopt rules providing for procedures for

1 review by the agency of alleged violations of paragraph (9) of  
2 subsection (b) of Section 3 and appropriate remedial sanctions  
3 for noncompliance. The rules shall include an appeal procedure  
4 for any affected participating organization or United Fund. The  
5 agency designated by the Governor shall notify the Comptroller  
6 immediately of any final decision to remove a qualified  
7 organization or United Fund from participation in the Program  
8 ~~SECA~~.

9 (Source: P.A. 91-357, eff. 7-29-99.)"