

SB3775



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3775

Introduced 2/14/2020, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

5 ILCS 430/1-5
110 ILCS 330/8a rep.
110 ILCS 430/Act rep.

Amends the State Officials and Employees Ethics Act to provide that the definition of "state employee" does not include a faculty member of a public institution of higher learning. Amends the University of Illinois Hospital Act to repeal a Section concerning patient notice of observation status. Repeals the Illinois Health Policy Center Act.

LRB101 17355 CMG 66760 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Section 1-5 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 "Board members of Regional Transit Boards" means any person
12 appointed to serve on the governing board of a Regional Transit
13 Board.

14 "Campaign for elective office" means any activity in
15 furtherance of an effort to influence the selection,
16 nomination, election, or appointment of any individual to any
17 federal, State, or local public office or office in a political
18 organization, or the selection, nomination, or election of
19 Presidential or Vice-Presidential electors, but does not
20 include activities (i) relating to the support or opposition of
21 any executive, legislative, or administrative action (as those
22 terms are defined in Section 2 of the Lobbyist Registration
23 Act), (ii) relating to collective bargaining, or (iii) that are

1 otherwise in furtherance of the person's official State duties.

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

8 "Collective bargaining" has the same meaning as that term
9 is defined in Section 3 of the Illinois Public Labor Relations
10 Act.

11 "Commission" means an ethics commission created by this
12 Act.

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

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

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

25 "Employee" means (i) any person employed full-time,
26 part-time, or pursuant to a contract and whose employment

1 duties are subject to the direction and control of an employer
2 with regard to the material details of how the work is to be
3 performed or (ii) any appointed or elected commissioner,
4 trustee, director, or board member of a board of a State
5 agency, including any retirement system or investment board
6 subject to the Illinois Pension Code or (iii) any other
7 appointee.

8 "Employment benefits" include but are not limited to the
9 following: modified compensation or benefit terms; compensated
10 time off; or change of title, job duties, or location of office
11 or employment. An employment benefit may also include favorable
12 treatment in determining whether to bring any disciplinary or
13 similar action or favorable treatment during the course of any
14 disciplinary or similar action or other performance review.

15 "Executive branch constitutional officer" means the
16 Governor, Lieutenant Governor, Attorney General, Secretary of
17 State, Comptroller, and Treasurer.

18 "Gift" means any gratuity, discount, entertainment,
19 hospitality, loan, forbearance, or other tangible or
20 intangible item having monetary value including, but not
21 limited to, cash, food and drink, and honoraria for speaking
22 engagements related to or attributable to government
23 employment or the official position of an employee, member, or
24 officer. The value of a gift may be further defined by rules
25 adopted by the appropriate ethics commission or by the Auditor
26 General for the Auditor General and for employees of the office

1 of the Auditor General.

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

5 "Leave of absence" means any period during which a State
6 employee does not receive (i) compensation for State
7 employment, (ii) service credit towards State pension
8 benefits, and (iii) health insurance benefits paid for by the
9 State.

10 "Legislative branch constitutional officer" means a member
11 of the General Assembly and the Auditor General.

12 "Legislative leader" means the President and Minority
13 Leader of the Senate and the Speaker and Minority Leader of the
14 House of Representatives.

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

16 "Officer" means an executive branch constitutional officer
17 or a legislative branch constitutional officer.

18 "Political" means any activity in support of or in
19 connection with any campaign for elective office or any
20 political organization, but does not include activities (i)
21 relating to the support or opposition of any executive,
22 legislative, or administrative action (as those terms are
23 defined in Section 2 of the Lobbyist Registration Act), (ii)
24 relating to collective bargaining, or (iii) that are otherwise
25 in furtherance of the person's official State duties or
26 governmental and public service functions.

1 "Political organization" means a party, committee,
2 association, fund, or other organization (whether or not
3 incorporated) that is required to file a statement of
4 organization with the State Board of Elections or a county
5 clerk under Section 9-3 of the Election Code, but only with
6 regard to those activities that require filing with the State
7 Board of Elections or a county clerk.

8 "Prohibited political activity" means:

9 (1) Preparing for, organizing, or participating in any
10 political meeting, political rally, political
11 demonstration, or other political event.

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

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

19 (4) Planning, conducting, or participating in a public
20 opinion poll in connection with a campaign for elective
21 office or on behalf of a political organization for
22 political purposes or for or against any referendum
23 question.

24 (5) Surveying or gathering information from potential
25 or actual voters in an election to determine probable vote
26 outcome in connection with a campaign for elective office

1 or on behalf of a political organization for political
2 purposes or for or against any referendum question.

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

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

10 (8) Initiating for circulation, preparing,
11 circulating, reviewing, or filing any petition on behalf of
12 a candidate for elective office or for or against any
13 referendum question.

14 (9) Making contributions on behalf of any candidate for
15 elective office in that capacity or in connection with a
16 campaign for elective office.

17 (10) Preparing or reviewing responses to candidate
18 questionnaires in connection with a campaign for elective
19 office or on behalf of a political organization for
20 political purposes.

21 (11) Distributing, preparing for distribution, or
22 mailing campaign literature, campaign signs, or other
23 campaign material on behalf of any candidate for elective
24 office or for or against any referendum question.

25 (12) Campaigning for any elective office or for or
26 against any referendum question.

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

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

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

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

11 (1) is seeking official action (i) by the member or
12 officer or (ii) in the case of an employee, by the employee
13 or by the member, officer, State agency, or other employee
14 directing the employee;

15 (2) does business or seeks to do business (i) with the
16 member or officer or (ii) in the case of an employee, with
17 the employee or with the member, officer, State agency, or
18 other employee directing the employee;

19 (3) conducts activities regulated (i) by the member or
20 officer or (ii) in the case of an employee, by the employee
21 or by the member, officer, State agency, or other employee
22 directing the employee;

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

26 (5) is registered or required to be registered with the

1 Secretary of State under the Lobbyist Registration Act,
2 except that an entity not otherwise a prohibited source
3 does not become a prohibited source merely because a
4 registered lobbyist is one of its members or serves on its
5 board of directors; or

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

8 "Regional Transit Boards" means (i) the Regional
9 Transportation Authority created by the Regional
10 Transportation Authority Act, (ii) the Suburban Bus Division
11 created by the Regional Transportation Authority Act, (iii) the
12 Commuter Rail Division created by the Regional Transportation
13 Authority Act, and (iv) the Chicago Transit Authority created
14 by the Metropolitan Transit Authority Act.

15 "State agency" includes all officers, boards, commissions
16 and agencies created by the Constitution, whether in the
17 executive or legislative branch; all officers, departments,
18 boards, commissions, agencies, institutions, authorities,
19 public institutions of higher learning as defined in Section 2
20 of the Higher Education Cooperation Act (except community
21 colleges), and bodies politic and corporate of the State; and
22 administrative units or corporate outgrowths of the State
23 government which are created by or pursuant to statute, other
24 than units of local government (including community college
25 districts) and their officers, school districts, and boards of
26 election commissioners; and all administrative units and

1 corporate outgrowths of the above and as may be created by
2 executive order of the Governor. "State agency" includes the
3 General Assembly, the Senate, the House of Representatives, the
4 President and Minority Leader of the Senate, the Speaker and
5 Minority Leader of the House of Representatives, the Senate
6 Operations Commission, and the legislative support services
7 agencies. "State agency" includes the Office of the Auditor
8 General. "State agency" does not include the judicial branch.

9 "State employee" means any employee of a State agency.
10 "State employee" does not include a faculty member of a public
11 institution of higher learning.

12 "Ultimate jurisdictional authority" means the following:

13 (1) For members, legislative partisan staff, and
14 legislative secretaries, the appropriate legislative
15 leader: President of the Senate, Minority Leader of the
16 Senate, Speaker of the House of Representatives, or
17 Minority Leader of the House of Representatives.

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

21 (3) For State employees who are professional staff or
22 employees of the House of Representatives and not covered
23 under item (1), the Speaker of the House of
24 Representatives.

25 (4) For State employees who are employees of the
26 legislative support services agencies, the Joint Committee

1 on Legislative Support Services.

2 (5) For State employees of the Auditor General, the
3 Auditor General.

4 (6) For State employees of public institutions of
5 higher learning as defined in Section 2 of the Higher
6 Education Cooperation Act (except community colleges), the
7 board of trustees of the appropriate public institution of
8 higher learning.

9 (7) For State employees of an executive branch
10 constitutional officer other than those described in
11 paragraph (6), the appropriate executive branch
12 constitutional officer.

13 (8) For State employees not under the jurisdiction of
14 paragraph (1), (2), (3), (4), (5), (6), or (7), the
15 Governor.

16 (9) For employees of Regional Transit Boards, the
17 appropriate Regional Transit Board.

18 (10) For board members of Regional Transit Boards, the
19 Governor.

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

22 (110 ILCS 330/8a rep.)

23 Section 10. The University of Illinois Hospital Act is
24 amended by repealing Section 8a.

1 (110 ILCS 430/Act rep.)

2 Section 15. The Illinois Health Policy Center Act is

3 repealed.