



Sen. Susan Garrett

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LRB094 03297 JAM 45542 a

1 AMENDMENT TO HOUSE BILL 2244

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2244 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Voluntary Payroll Deductions Act of 1983 is  
5 amended by changing Section 3 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  
17 organization desiring to be designated as a qualified  
18 organization shall:

19 (1) Submit written designations on forms approved by  
20 the State Comptroller by 4,000 or more employees or State  
21 annuitants, in which such employees or State annuitants  
22 indicate that the organization is one for which the  
23 employee or State annuitant intends to authorize  
24 withholding. The forms shall require the name, last 4

1 digits only of the social security number, and employing  
2 State agency for each employee. Upon notification by the  
3 Comptroller that such forms have been approved, the  
4 organization shall, within 30 days, notify in writing the  
5 Governor or his or her designee of its intention to obtain  
6 the required number of designations. Such organization  
7 shall have 12 months from that date to obtain the necessary  
8 designations and return to the State Comptroller's office  
9 the completed designations, which shall be subject to  
10 verification procedures established by the State  
11 Comptroller;

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

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

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

19 (5) Certify that all benefiting agencies actively  
20 conduct health or welfare programs and provide services to  
21 individuals directed at one or more of the following common  
22 human needs within a community: service, research, and  
23 education in the health fields; family and child care  
24 services; protective services for children and adults;  
25 services for children and adults in foster care; services  
26 related to the management and maintenance of the home; day  
27 care services for adults; transportation services;  
28 information, referral and counseling services; services to  
29 eliminate illiteracy; the preparation and delivery of  
30 meals; adoption services; emergency shelter care and  
31 relief services; disaster relief services; safety  
32 services; neighborhood and community organization  
33 services; recreation services; social adjustment and  
34 rehabilitation services; health support services; or a

1 combination of such services designed to meet the special  
2 needs of specific groups, such as children and youth, the  
3 ill and infirm, and the physically handicapped; and that  
4 all such benefiting agencies provide the above described  
5 services to individuals and their families in the community  
6 and surrounding area in which the organization conducts its  
7 fund drive, or that such benefiting agencies provide relief  
8 to victims of natural disasters and other emergencies on a  
9 where and as needed basis;

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

23 (7) Certify that all benefiting agencies receiving  
24 funds which the employee or State annuitant has requested  
25 or designated for distribution to a particular community  
26 and surrounding area use a majority of such funds  
27 distributed for services in the actual provision of  
28 services in that community and surrounding area;

29 (8) Certify that neither it nor its member  
30 organizations will solicit State employees for  
31 contributions at their workplace, except pursuant to this  
32 Act and the rules promulgated thereunder. Each qualified  
33 organization, and each participating United Fund, is  
34 encouraged to cooperate with all others and with all State

1 agencies and educational institutions so as to simplify  
2 procedures, to resolve differences and to minimize costs;

3 (9) Certify that it will pay its share of the campaign  
4 costs and will comply with the Code of Campaign Conduct as  
5 approved by the Governor or other agency as designated by  
6 the Governor; and

7 (10) Certify that it maintains a year-round office, the  
8 telephone number, and person responsible for the  
9 operations of the organization in Illinois. That  
10 information shall be provided to the State Comptroller at  
11 the time the organization is seeking participation under  
12 this Act.

13 Each qualified organization shall submit to the State  
14 Comptroller between January 1 and March 1 of each year, a  
15 statement that the organization is in compliance with all of  
16 the requirements set forth in paragraphs (2) through (10). The  
17 State Comptroller shall exclude any organization that fails to  
18 submit the statement from the next solicitation period.

19 In order to be designated as a qualified organization, the  
20 organization shall have existed at least 2 years prior to  
21 submitting the written designation forms required in paragraph  
22 (1) and shall certify to the State Comptroller that such  
23 organization has been providing services described in  
24 paragraph (5) in Illinois. If the organization seeking  
25 designation represents more than one benefiting agency, it need  
26 not have existed for 2 years but shall certify to the State  
27 Comptroller that each of its benefiting agencies has existed  
28 for at least 2 years prior to submitting the written  
29 designation forms required in paragraph (1) and that each has  
30 been providing services described in paragraph (5) in Illinois.

31 Organizations which have met the requirements of this Act  
32 shall be permitted to participate in the State and Universities  
33 Combined Appeal as of January 1st of the year immediately  
34 following their approval by the Comptroller.

1           Where the certifications described in paragraphs (2), (3),  
2           (4), (5), (6), (7), (8), (9), and (10) above are made by an  
3           organization representing more than one benefiting agency they  
4           shall be based upon the knowledge and belief of such qualified  
5           organization. Any qualified organization shall immediately  
6           notify the State Comptroller in writing if the qualified  
7           organization receives information or otherwise believes that a  
8           benefiting agency is no longer in compliance with the  
9           certification of the qualified organization. A qualified  
10          organization representing more than one benefiting agency  
11          shall thereafter withhold and refrain from distributing to such  
12          benefiting agency those funds received pursuant to this Act  
13          until the benefiting agency is again in compliance with the  
14          qualified organization's certification. The qualified  
15          organization shall immediately notify the State Comptroller of  
16          the benefiting agency's resumed compliance with the  
17          certification, based upon the qualified organization's  
18          knowledge and belief, and shall pay over to the benefiting  
19          agency those funds previously withheld.

20          In order to qualify, a qualified organization must receive  
21          250 deduction pledges from the immediately proceeding  
22          solicitation period as set forth in Section 6. The Comptroller  
23          shall, by February 1st of each year, so notify any qualified  
24          organization that failed to receive the minimum deduction  
25          requirement. ~~at least 500 payroll deduction pledges during each~~  
26          ~~immediately preceding solicitation period as set forth in~~  
27          ~~Section 6.~~ The notification shall give such qualified  
28          organization until March 1st to provide the Comptroller with  
29          documentation that the minimum ~~500~~ deduction requirement has  
30          been met. On the basis of all the documentation, the  
31          Comptroller shall, by March 15th of each year, submit to the  
32          Governor or his or her designee, or such other agency as may be  
33          determined by the Governor, a list of all organizations which  
34          have met the minimum ~~500~~ payroll deduction requirement. Only

1 those organizations which have met such requirements, as well  
2 as the other requirements of this Section, shall be permitted  
3 to solicit State employees or State annuitants for voluntary  
4 contributions, and the Comptroller shall discontinue  
5 withholding for any such organization which fails to meet these  
6 requirements, except qualified organizations that received  
7 deduction pledges during the 2004 solicitation period are  
8 deemed to be qualified for the 2005 solicitation period.

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

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

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

24 (e) "Retirement system" means any or all of the following:  
25 the General Assembly Retirement System, the State Employees'  
26 Retirement System of Illinois, the State Universities  
27 Retirement System, the Teachers' Retirement System of the State  
28 of Illinois, and the Judges Retirement System.

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

32 (Source: P.A. 91-357, eff. 7-29-99; 91-533, eff. 8-13-99;  
33 91-896, eff. 7-6-00; 92-634, eff. 7-11-02.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".