



Sen. Susan Garrett

Filed: 3/14/2005

09400SB0780sam001

LRB094 10339 JAM 43762 a

1 AMENDMENT TO SENATE BILL 780

2 AMENDMENT NO. _____. Amend Senate Bill 780 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 The Comptroller shall, by February 1st of each year, so
21 notify any qualified organization that failed to receive at
22 least 250 ~~500~~ payroll deduction pledges during each of the 3
23 immediately preceding solicitation periods ~~period~~ as set forth
24 in Section 6.

25 The notification shall give such qualified organization
26 until March 1st to provide the Comptroller with documentation
27 that the minimum ~~500~~ deduction requirement has been met during
28 any one of the 3 previous solicitation periods or that the
29 organization has been qualified for fewer than 3 years. On the
30 basis of all the documentation, the Comptroller shall, by March
31 30th ~~15th~~ of each year, submit to the Governor or his or her
32 designee, or such other agency as may be determined by the
33 Governor, a list of all organizations which are qualified ~~have~~
34 ~~met the 500 payroll deduction requirement~~.

1 For the 2005 solicitation period, any organization
2 qualified for the 2004 solicitation period that either received
3 at last 250 payroll deductions in any one of the 3 previous
4 solicitation periods or was qualified for fewer than 3 years
5 shall be considered qualified and the Comptroller shall submit
6 an amended qualified organization list within 15 days after the
7 effective date of this amendatory Act of the 94th General
8 Assembly.

9 Only those organizations which have met such requirements,
10 as well as the other requirements of this Section, shall be
11 permitted to solicit State employees or State annuitants for
12 voluntary contributions, and the Comptroller shall discontinue
13 withholding for any such organization which fails to meet these
14 requirements.

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

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

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

30 (e) "Retirement system" means any or all of the following:
31 the General Assembly Retirement System, the State Employees'
32 Retirement System of Illinois, the State Universities
33 Retirement System, the Teachers' Retirement System of the State
34 of Illinois, and the Judges Retirement System.

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

4 (Source: P.A. 91-357, eff. 7-29-99; 91-533, eff. 8-13-99;
5 91-896, eff. 7-6-00; 92-634, eff. 7-11-02.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law."