



Rep. Jack D. Franks

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LRB097 03242 JDS 54023 a

1 AMENDMENT TO HOUSE BILL 360

2 AMENDMENT NO. _____. Amend House Bill 360 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 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 "Campaign for elective office" means any activity in
12 furtherance of an effort to influence the selection,
13 nomination, election, or appointment of any individual to any
14 federal, State, or local public office or office in a political
15 organization, or the selection, nomination, or election of
16 Presidential or Vice-Presidential electors, but does not

1 include activities (i) relating to the support or opposition of
2 any executive, legislative, or administrative action (as those
3 terms are defined in Section 2 of the Lobbyist Registration
4 Act), (ii) relating to collective bargaining, or (iii) that are
5 otherwise in furtherance of the person's official State duties.

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

12 "Collective bargaining" has the same meaning as that term
13 is defined in Section 3 of the Illinois Public Labor Relations
14 Act.

15 "Commission" means an ethics commission created by this
16 Act.

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

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

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

3 "Employee" means (i) any person employed full-time,
4 part-time, or pursuant to a contract and whose employment
5 duties are subject to the direction and control of an employer
6 with regard to the material details of how the work is to be
7 performed or (ii) any appointed or elected commissioner,
8 trustee, director, or board member of a board of a State
9 agency, including any retirement system or investment board
10 subject to the Illinois Pension Code or (iii) any other
11 appointee.

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

19 "Executive branch constitutional officer" means the
20 Governor, Lieutenant Governor, Attorney General, Secretary of
21 State, Comptroller, and Treasurer.

22 "Gift" means any gratuity, discount, entertainment,
23 hospitality, loan, forbearance, or other tangible or
24 intangible item having monetary value including, but not
25 limited to, cash, food and drink, and honoraria for speaking
26 engagements related to or attributable to government

1 employment or the official position of an employee, member, or
2 officer.

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

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

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

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

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

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

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

1 governmental and public service functions.

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

9 "Prohibited political activity" means:

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

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

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

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

25 (5) Surveying or gathering information from potential
26 or actual voters in an election to determine probable vote

1 outcome in connection with a campaign for elective office
2 or on behalf of a political organization for political
3 purposes or for or against any referendum question.

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

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

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

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

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

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

26 (12) Campaigning for any elective office or for or

1 against any referendum question.

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

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

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

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

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

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

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

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

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

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

9 "State agency" includes all officers, boards, commissions
10 and agencies created by the Constitution, whether in the
11 executive or legislative branch; all officers, departments,
12 boards, commissions, agencies, institutions, authorities,
13 public institutions of higher learning as defined in Section 2
14 of the Higher Education Cooperation Act (except community
15 colleges), and bodies politic and corporate of the State; and
16 administrative units or corporate outgrowths of the State
17 government which are created by or pursuant to statute, other
18 than units of local government (including community college
19 districts) and their officers, school districts, and boards of
20 election commissioners; and all administrative units and
21 corporate outgrowths of the above and as may be created by
22 executive order of the Governor. "State agency" includes the
23 General Assembly, the Senate, the House of Representatives, the
24 President and Minority Leader of the Senate, the Speaker and
25 Minority Leader of the House of Representatives, the Senate
26 Operations Commission, and the legislative support services

1 agencies. "State agency" includes the Office of the Auditor
2 General. For the purposes of Articles 1, 5, 10, 20, 50, and 75
3 of this Act, "State agency" also includes the following
4 entities and their boards: (i) the Regional Transportation
5 Authority created by the Regional Transportation Authority
6 Act, (ii) the Suburban Bus Division created by the Regional
7 Transportation Authority Act, (iii) the Commuter Rail Division
8 created by the Regional Transportation Authority Act, and (iv)
9 the Chicago Transit Authority created by the Metropolitan
10 Transit Authority Act. "State agency" does not include the
11 judicial branch.

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

13 "Ultimate jurisdictional authority" means the following:

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

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

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

26 (4) For State employees who are employees of the

1 legislative support services agencies, the Joint Committee
2 on Legislative Support Services.

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

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

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

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

17 (Source: P.A. 95-880, eff. 8-19-08; 96-6, eff. 4-3-09; 96-555,
18 eff. 8-18-09.)

19 Section 99. Effective date. This Act takes effect July 1,
20 2011."