

# SB2939



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB2939

Introduced 2/4/2014, by Sen. Don Harmon and Michael Connelly

#### SYNOPSIS AS INTRODUCED:

5 ILCS 350/1

from Ch. 127, par. 1301

Amends the State Employee Indemnification Act. Adds individuals or organizations who contract with the Office of the State's Attorneys Appellate Prosecutor to provide professional services to the definition of "employee". Effective immediately.

LRB098 16383 OMW 51448 b

A BILL FOR

1 AN ACT concerning government.

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

4 Section 5. The State Employee Indemnification Act is  
5 amended by changing Section 1 as follows:

6 (5 ILCS 350/1) (from Ch. 127, par. 1301)

7 Sec. 1. Definitions. For the purpose of this Act:

8 (a) The term "State" means the State of Illinois, the  
9 General Assembly, the court, or any State office, department,  
10 division, bureau, board, commission, or committee, the  
11 governing boards of the public institutions of higher education  
12 created by the State, the Illinois National Guard, the  
13 Comprehensive Health Insurance Board, any poison control  
14 center designated under the Poison Control System Act that  
15 receives State funding, or any other agency or instrumentality  
16 of the State. It does not mean any local public entity as that  
17 term is defined in Section 1-206 of the Local Governmental and  
18 Governmental Employees Tort Immunity Act or a pension fund.

19 (b) The term "employee" means any present or former elected  
20 or appointed officer, trustee or employee of the State, or of a  
21 pension fund, any present or former commissioner or employee of  
22 the Executive Ethics Commission or of the Legislative Ethics  
23 Commission, any present or former Executive, Legislative, or

1 Auditor General's Inspector General, any present or former  
2 employee of an Office of an Executive, Legislative, or Auditor  
3 General's Inspector General, any present or former member of  
4 the Illinois National Guard while on active duty, individuals  
5 or organizations who contract with the Department of  
6 Corrections, the Department of Juvenile Justice, the  
7 Comprehensive Health Insurance Board, or the Department of  
8 Veterans' Affairs to provide services, individuals or  
9 organizations who contract with the Department of Human  
10 Services (as successor to the Department of Mental Health and  
11 Developmental Disabilities) to provide services including but  
12 not limited to treatment and other services for sexually  
13 violent persons, individuals or organizations who contract  
14 with the Department of Military Affairs for youth programs,  
15 individuals or organizations who contract to perform carnival  
16 and amusement ride safety inspections for the Department of  
17 Labor, individuals or organizations who contract with the  
18 Office of the State's Attorneys Appellate Prosecutor to provide  
19 professional services, individual representatives of or  
20 designated organizations authorized to represent the Office of  
21 State Long-Term Ombudsman for the Department on Aging,  
22 individual representatives of or organizations designated by  
23 the Department on Aging in the performance of their duties as  
24 adult protective services agencies or regional administrative  
25 agencies under the Adult Protective Services Act, individuals  
26 or organizations appointed as members of a review team or the

1 Advisory Council under the Adult Protective Services Act,  
2 individuals or organizations who perform volunteer services  
3 for the State where such volunteer relationship is reduced to  
4 writing, individuals who serve on any public entity (whether  
5 created by law or administrative action) described in paragraph  
6 (a) of this Section, individuals or not for profit  
7 organizations who, either as volunteers, where such volunteer  
8 relationship is reduced to writing, or pursuant to contract,  
9 furnish professional advice or consultation to any agency or  
10 instrumentality of the State, individuals who serve as foster  
11 parents for the Department of Children and Family Services when  
12 caring for a Department ward, individuals who serve as members  
13 of an independent team of experts under Brian's Law, and  
14 individuals who serve as arbitrators pursuant to Part 10A of  
15 Article II of the Code of Civil Procedure and the rules of the  
16 Supreme Court implementing Part 10A, each as now or hereafter  
17 amended, but does not mean an independent contractor except as  
18 provided in this Section. The term includes an individual  
19 appointed as an inspector by the Director of State Police when  
20 performing duties within the scope of the activities of a  
21 Metropolitan Enforcement Group or a law enforcement  
22 organization established under the Intergovernmental  
23 Cooperation Act. An individual who renders professional advice  
24 and consultation to the State through an organization which  
25 qualifies as an "employee" under the Act is also an employee.  
26 The term includes the estate or personal representative of an

1 employee.

2 (c) The term "pension fund" means a retirement system or  
3 pension fund created under the Illinois Pension Code.

4 (Source: P.A. 98-49, eff. 7-1-13; 98-83, eff. 7-15-13; revised  
5 8-9-13.)

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