

1 AN ACT concerning State government.

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

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
25 digits only of the social security number, and employing
26 State agency for each employee. Upon notification by the
27 Comptroller that such forms have been approved, the
28 organization shall, within 30 days, notify in writing the
29 Governor or his or her designee of its intention to obtain
30 the required number of designations. Such organization
31 shall have 12 months from that date to obtain the necessary
32 designations and return to the State Comptroller's office

1 the completed designations, which shall be subject to
2 verification procedures established by the State
3 Comptroller;

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

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

8 (4) Certify that all benefiting agencies are in
9 compliance with the Charitable Trust Act and the
10 Solicitation for Charity Act;

11 (5) Certify that all benefiting agencies actively
12 conduct health or welfare programs and provide services to
13 individuals directed at one or more of the following common
14 human needs within a community: service, research, and
15 education in the health fields; family and child care
16 services; protective services for children and adults;
17 services for children and adults in foster care; services
18 related to the management and maintenance of the home; day
19 care services for adults; transportation services;
20 information, referral and counseling services; services to
21 eliminate illiteracy; the preparation and delivery of
22 meals; adoption services; emergency shelter care and
23 relief services; disaster relief services; safety
24 services; neighborhood and community organization
25 services; recreation services; social adjustment and
26 rehabilitation services; health support services; or a
27 combination of such services designed to meet the special
28 needs of specific groups, such as children and youth, the
29 ill and infirm, and the physically handicapped; and that
30 all such benefiting agencies provide the above described
31 services to individuals and their families in the community
32 and surrounding area in which the organization conducts its
33 fund drive, or that such benefiting agencies provide relief
34 to victims of natural disasters and other emergencies on a
35 where and as needed basis;

36 (6) Certify that the organization has disclosed the

1 percentage of the organization's total collected receipts
2 from employees or State annuitants that are distributed to
3 the benefiting agencies and the percentage of the
4 organization's total collected receipts from employees or
5 State annuitants that are expended for fund-raising and
6 overhead costs. These percentages shall be the same
7 percentage figures annually disclosed by the organization
8 to the Attorney General. The disclosure shall be made to
9 all solicited employees and State annuitants and shall be
10 in the form of a factual statement on all petitions and in
11 the campaign's brochures for employees and State
12 annuitants;

13 (7) Certify that all benefiting agencies receiving
14 funds which the employee or State annuitant has requested
15 or designated for distribution to a particular community
16 and surrounding area use a majority of such funds
17 distributed for services in the actual provision of
18 services in that community and surrounding area;

19 (8) Certify that neither it nor its member
20 organizations will solicit State employees for
21 contributions at their workplace, except pursuant to this
22 Act and the rules promulgated thereunder. Each qualified
23 organization, and each participating United Fund, is
24 encouraged to cooperate with all others and with all State
25 agencies and educational institutions so as to simplify
26 procedures, to resolve differences and to minimize costs;

27 (9) Certify that it will pay its share of the campaign
28 costs and will comply with the Code of Campaign Conduct as
29 approved by the Governor or other agency as designated by
30 the Governor; and

31 (10) Certify that it maintains a year-round office, the
32 telephone number, and person responsible for the
33 operations of the organization in Illinois. That
34 information shall be provided to the State Comptroller at
35 the time the organization is seeking participation under
36 this Act.

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

7 In order to be designated as a qualified organization, the
8 organization shall have existed at least 2 years prior to
9 submitting the written designation forms required in paragraph
10 (1) and shall certify to the State Comptroller that such
11 organization has been providing services described in
12 paragraph (5) in Illinois. If the organization seeking
13 designation represents more than one benefiting agency, it need
14 not have existed for 2 years but shall certify to the State
15 Comptroller that each of its benefiting agencies has existed
16 for at least 2 years prior to submitting the written
17 designation forms required in paragraph (1) and that each has
18 been providing services described in paragraph (5) in Illinois.

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

23 Where the certifications described in paragraphs (2), (3),
24 (4), (5), (6), (7), (8), (9), and (10) above are made by an
25 organization representing more than one benefiting agency they
26 shall be based upon the knowledge and belief of such qualified
27 organization. Any qualified organization shall immediately
28 notify the State Comptroller in writing if the qualified
29 organization receives information or otherwise believes that a
30 benefiting agency is no longer in compliance with the
31 certification of the qualified organization. A qualified
32 organization representing more than one benefiting agency
33 shall thereafter withhold and refrain from distributing to such
34 benefiting agency those funds received pursuant to this Act
35 until the benefiting agency is again in compliance with the
36 qualified organization's certification. The qualified

1 organization shall immediately notify the State Comptroller of
2 the benefiting agency's resumed compliance with the
3 certification, based upon the qualified organization's
4 knowledge and belief, and shall pay over to the benefiting
5 agency those funds previously withheld.

6 In order to qualify, a qualified organization must receive
7 250 deduction pledges from the immediately preceding
8 solicitation period as set forth in Section 6. The Comptroller
9 shall, by February 1st of each year, so notify any qualified
10 organization that failed to receive the minimum deduction
11 requirement. ~~at least 500 payroll deduction pledges during each~~
12 ~~immediately preceding solicitation period as set forth in~~
13 ~~Section 6.~~ The notification shall give such qualified
14 organization until March 1st to provide the Comptroller with
15 documentation that the minimum ~~500~~ deduction requirement has
16 been met. On the basis of all the documentation, the
17 Comptroller shall, by March 15th of each year, submit to the
18 Governor or his or her designee, or such other agency as may be
19 determined by the Governor, a list of all organizations which
20 have met the minimum ~~500~~ payroll deduction requirement. Only
21 those organizations which have met such requirements, as well
22 as the other requirements of this Section, shall be permitted
23 to solicit State employees or State annuitants for voluntary
24 contributions, and the Comptroller shall discontinue
25 withholding for any such organization which fails to meet these
26 requirements, except qualified organizations that received
27 deduction pledges during the 2004 solicitation period are
28 deemed to be qualified for the 2005 solicitation period.

29 (c) "United Fund" means the organization conducting the
30 single, annual, consolidated effort to secure funds for
31 distribution to agencies engaged in charitable and public
32 health, welfare and services purposes, which is commonly known
33 as the United Fund, or the organization which serves in place
34 of the United Fund organization in communities where an
35 organization known as the United Fund is not organized.

36 In order for a United Fund to participate in the State and

1 Universities Employees Combined Appeal, it shall comply with
2 the provisions of paragraph (9) of subsection (b).

3 (d) "State and Universities Employees Combined Appeal",
4 otherwise known as "SECA", means the State-directed joint
5 effort of all of the qualified organizations, together with the
6 United Funds, for the solicitation of voluntary contributions
7 from State and University employees and State annuitants.

8 (e) "Retirement system" means any or all of the following:
9 the General Assembly Retirement System, the State Employees'
10 Retirement System of Illinois, the State Universities
11 Retirement System, the Teachers' Retirement System of the State
12 of Illinois, and the Judges Retirement System.

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

16 (Source: P.A. 91-357, eff. 7-29-99; 91-533, eff. 8-13-99;
17 91-896, eff. 7-6-00; 92-634, eff. 7-11-02.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.