



Sen. Heather A. Steans

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10000SB0021sam001

LRB100 05174 HEP 42523 a

1 AMENDMENT TO SENATE BILL 21

2 AMENDMENT NO. _____. Amend Senate Bill 21 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 8A-103 and 8B-103 as follows:

6 (775 ILCS 5/8A-103) (from Ch. 68, par. 8A-103)

7 Sec. 8A-103. Review by Commission.

8 (A) Exceptions. Within 30 days of the receipt of service of
9 the hearing officer's recommended order, a party may file with
10 the Commission any written exceptions to any part of the order.
11 Exceptions shall be supported by argument and served on all
12 parties at the time they are filed. If no exceptions are filed,
13 the recommended order shall become the order of the Commission
14 without further review. The Commission shall issue a notice
15 that no exceptions have been filed no later than 30 days after
16 the exceptions were due.

1 (B) Response. Within 21 days of the receipt of service of
2 exceptions, a party may file with the Commission any response
3 to the exceptions. Responses shall be supported by argument and
4 served on all parties at the time they are filed.

5 (C) Oral Argument. A party may request oral argument at the
6 time of filing exceptions or a response to exceptions. When any
7 party requests oral argument in this manner, the Commission may
8 schedule oral argument to be heard by a panel of 3 Commission
9 members. If the panel grants oral argument, it shall notify all
10 parties of the time and place of argument. Any party so
11 notified may present oral argument.

12 (D) Remand.

13 (1) The Commission, on its own motion or at the written
14 request of any party made at the time of filing exceptions
15 or responses, may remand a case to a hearing officer for
16 purposes of a rehearing to reconsider evidence or hear
17 additional evidence in the matter. The Commission shall
18 issue and serve on all parties a written order remanding
19 the cause and specifying the additional evidence.

20 (2) The hearing officer presiding at a rehearing shall
21 set a hearing date, in accordance with subsection (B) of
22 Section 8A-102, upon due notice to all parties.

23 (3) After conclusion of the rehearing, the hearing
24 officer shall file written findings and recommendations
25 with the Commission and serve copies at the same time on
26 all parties in the same manner as provided in subsection

1 (I) of Section 8A-102. The findings and recommendations
2 shall be subject to review by the Commission as provided in
3 this Section.

4 (E) Review.

5 (1) Following the filing of the findings and
6 recommended order of the hearing officer and any written
7 exceptions and responses, and any other proceedings
8 provided for in this Section, the Commission, through a
9 panel of 3 members, shall decide whether to accept the case
10 for review. If the panel declines to review the recommended
11 order, it shall become the order of the Commission. The
12 Commission shall issue a notice within 30 days after a
13 Commission panel votes to decline review. If the panel
14 accepts the case, it shall review the record and may adopt,
15 modify, or reverse in whole or in part the findings and
16 recommendations of the hearing officer.

17 (2) When reviewing a recommended order, the Commission
18 shall adopt the hearing officer's findings of fact if they
19 are not contrary to the manifest weight of the evidence.

20 (3) If the Commission accepts a case for review, it
21 shall file its written order and decision in its office and
22 serve copies on all parties together with a notification of
23 the date when it was filed. If the Commission declines to
24 review a recommended order or if no exceptions have been
25 filed, it shall issue a short statement notifying the
26 parties that the recommended order has become the order of

1 the Commission. The statement shall be served on the
2 parties by first class mail.

3 (4) A recommended order authored by a non-presiding
4 hearing officer under subparagraph 8A-102(I)(4) of this
5 Act shall be reviewed in the same manner as a recommended
6 order authored by a presiding hearing officer.

7 (F) Rehearing.

8 (1) Within 30 days after service of the Commission's
9 order or statement declining review, a party may file an
10 application for rehearing before the full Commission. The
11 application shall be served on all other parties. The
12 Commission shall have discretion to order a response to the
13 application. The filing of an application for rehearing is
14 optional. The failure to file an application for rehearing
15 shall not be considered a failure to exhaust administrative
16 remedies. This amendatory Act of 1991 applies to pending
17 proceedings as well as those filed on or after its
18 effective date.

19 (2) Applications for rehearing shall be viewed with
20 disfavor and may be granted, by vote of 3 ~~6~~ Commission
21 members, only upon a clear demonstration that a matter
22 raises legal issues of significant impact or that
23 Commission decisions are in conflict.

24 (3) When an application for rehearing is granted, the
25 original order shall be nullified and oral argument before
26 the full Commission shall be scheduled. The Commission may

1 request the parties to file any additional written
2 arguments it deems necessary.

3 (G) Modification of Order.

4 (1) At any time before a final order of the court in a
5 proceeding for judicial review under this Act, the
6 Commission or the 3-member panel that decided the matter,
7 upon reasonable notice, may modify or set aside in whole or
8 in part any finding or order made by it in accordance with
9 this Section.

10 (2) Any modification shall be accomplished by the
11 filing and service of a supplemental order and decision by
12 the Commission in the same manner as provided in this
13 Section.

14 (H) Extensions of time. All motions for extensions of time
15 with respect to matters being considered by the Commission
16 shall be decided by the full Commission or a 3-member panel. If
17 a motion for extension of time cannot be ruled upon before the
18 filing deadline sought to be extended, the Chairperson of the
19 Commission shall be authorized to extend the filing deadline to
20 the date of the next Commission meeting at which the motion can
21 be considered.

22 (Source: P.A. 100-1066, eff. 8-24-18.)

23 (775 ILCS 5/8B-103) (from Ch. 68, par. 8B-103)

24 Sec. 8B-103. Review by Commission.

25 (A) Exceptions. Within 30 days of the receipt of service of

1 the hearing officer's recommended order, a party may file with
2 the Commission any written exceptions to any part of the order.
3 Exceptions shall be supported by argument and served on all
4 parties at the time they are filed. If no exceptions are filed,
5 the recommended order shall become the order of the Commission
6 without further review. The Commission shall issue a notice
7 that no exceptions have been filed no later than 30 days after
8 the exceptions were due.

9 (B) Response. Within 21 days of the receipt of service of
10 exceptions, a party may file with the Commission any response
11 to the exceptions. Responses shall be supported by argument and
12 served on all parties at the time they are filed.

13 (C) Oral Argument. A party may request oral argument at the
14 time of filing exceptions or a response to exceptions. When any
15 party requests oral argument in this manner, the Commission may
16 schedule oral argument to be heard by a panel of 3 Commission
17 members. If the panel grants oral argument, it shall notify all
18 parties of the time and place of argument. Any party so
19 notified may present oral argument.

20 (D) Remand.

21 (1) The Commission, on its own motion or at the written
22 request of any party made at the time of filing exceptions
23 or responses, may remand a case to a hearing officer for
24 purposes of a rehearing to reconsider evidence or hear
25 additional evidence in the matter. The Commission shall
26 issue and serve on all parties a written order remanding

1 the cause and specifying the additional evidence.

2 (2) The hearing officer presiding at a rehearing shall
3 set a hearing date, in accordance with Section 8B-102(C),
4 upon due notice to all parties.

5 (3) After conclusion of the rehearing, the hearing
6 officer shall file written findings and recommendations
7 with the Commission and serve copies at the same time on
8 all parties in the same manner as provided in Section
9 8B-102(J). The findings and recommendations shall be
10 subject to review by the Commission as provided in this
11 Section.

12 (E) Review.

13 (1) Following the filing of the findings and
14 recommended order of the hearing officer and any written
15 exceptions and responses, and any other proceedings
16 provided for in this Section, the Commission, through a
17 panel of 3 members, may review the record and may adopt,
18 modify, or reverse in whole or in part the findings and
19 recommendations of the hearing officer.

20 (2) When reviewing a recommended order, the Commission
21 shall adopt the hearing officer's findings of fact if they
22 are not contrary to the manifest weight of the evidence.

23 (3) If the Commission accepts a case for review, it
24 shall file its written order and decision in its office and
25 serve copies on all parties together with a notification of
26 the date when it was filed. If the Commission declines to

1 review a recommended order or if no exceptions have been
2 filed, it shall issue a short statement notifying the
3 parties that the recommended order has become the order of
4 the Commission. The statement shall be served on the
5 parties by first class mail.

6 (3.1) A recommended order authored by a non-presiding
7 hearing officer under subparagraph 8B-102(J)(4) shall be
8 reviewed in the same manner as a recommended order authored
9 by a presiding hearing officer.

10 (4) The Commission shall issue a final decision within
11 one year of the date a charge is filed with the Department
12 unless it is impracticable to do so. If the Commission is
13 unable to issue a final decision within one year of the
14 date the charge is filed with the Department, it shall
15 notify all parties in writing of the reasons for not doing
16 so.

17 (F) Rehearing.

18 (1) Within 30 days after service of the Commission's
19 order or statement declining review, a party may file an
20 application for rehearing before the full Commission. The
21 application shall be served on all other parties. The
22 Commission shall have discretion to order a response to the
23 application. The filing of an application for rehearing is
24 optional. The failure to file an application for rehearing
25 shall not be considered a failure to exhaust administrative
26 remedies. This amendatory Act of 1991 applies to pending

1 proceedings as well as those filed on or after its
2 effective date.

3 (2) Applications for rehearing shall be viewed with
4 disfavor, and may be granted, by vote of 3 ~~6~~ Commission
5 members, only upon a clear demonstration that a matter
6 raises legal issues of significant impact or that
7 Commission decisions are in conflict.

8 (3) When an application for rehearing is granted, the
9 original order shall be nullified and oral argument before
10 the full Commission shall be scheduled. The Commission may
11 request the parties to file any additional written
12 arguments it deems necessary.

13 (G) Modification of Order.

14 (1) At any time before a final order of the court in a
15 proceeding for judicial review under this Act, the
16 Commission or the 3-member panel that decided the matter,
17 upon reasonable notice, may modify or set aside in whole or
18 in part any finding or order made by it in accordance with
19 this Section.

20 (2) Any modification shall be accomplished by the
21 filing and service of a supplemental order and decision by
22 the Commission in the same manner as provided in this
23 Section.

24 (H) Extensions of time. All motions for extensions of time
25 with respect to matters being considered by the Commission
26 shall be decided by the full Commission or a 3-member panel. If

1 a motion for extension of time cannot be ruled upon before the
2 filing deadline sought to be extended, the Chairperson of the
3 Commission shall be authorized to extend the filing deadline to
4 the date of the next Commission meeting at which the motion can
5 be considered.

6 (Source: P.A. 100-1066, eff. 8-24-18.)

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