



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2101

by Rep. Nicholas K. Smith

SYNOPSIS AS INTRODUCED:

See Index

Creates the Racial Impact Note Act. Provides that every bill which has or could have a disparate impact on racial and ethnic minorities, upon the request of any member, shall have prepared for it, before second reading in the house of introduction, a brief explanatory statement or note that shall include a reliable estimate of the anticipated impact on those racial and ethnic minorities likely to be impacted by the bill. Specifies the contents and provides for the preparation of each racial impact note. Amends the State Officials and Employees Ethics Act. Prohibits racial discrimination and harassment by State officers and employees. Provides that each State officer and employee shall annually complete a racial bias, discrimination, and harassment training program approved by the appropriate jurisdictional authority. Expands the jurisdiction of the Executive Ethics Commission to include allegations of racial discrimination and harassment by persons registered under the Lobbyist Registration Act. Provides that the personnel policies of units of local government shall prohibit racial discrimination and harassment. Defines "racial discrimination and harassment". Provides for rulemaking, including emergency rulemaking. Amends the Secretary of State Act. Provides the Secretary of State's Inspector General with jurisdiction to investigate complaints of racial discrimination and harassment by persons registered under the Lobbyist Registration Act. Amends the Lobbyist Registration Act. Prohibits racial discrimination and harassment by persons registered under the Lobbyist Registration Act. Provides that each registered lobbyist shall annually complete a racial bias, discrimination, and harassment training program approved by the Secretary of State. Defines "racial discrimination and harassment". Amends the Illinois Human Rights Act. Requires the Department of Human Rights to establish a racial discrimination and harassment hotline for the anonymous reporting of racial discrimination and harassment in both public and private places of employment, and to provide for reporting by both telephone and Internet. Amends the Illinois Administrative Procedure Act to provide for emergency rulemaking. Effective immediately.

LRB101 08575 RJF 53654 b

A BILL FOR

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 1. Short title. This Act may be cited as the Racial
5 Impact Note Act.

6 Section 5. Racial impact note.

7 (a) Every bill which has or could have a disparate impact
8 on racial and ethnic minorities, upon the request of any
9 member, shall have prepared for it, before second reading in
10 the house of introduction, a brief explanatory statement or
11 note that shall include a reliable estimate of the anticipated
12 impact on those racial and ethnic minorities likely to be
13 impacted by the bill. Each racial impact note must include, for
14 racial and ethnic minorities for which data are available: (i)
15 an estimate of how the proposed legislation would impact racial
16 and ethnic minorities; (ii) a statement of the methodologies
17 and assumptions used in preparing the estimate; (iii) an
18 estimate of the racial and ethnic composition of the population
19 who may be impacted by the proposed legislation, including
20 those persons who may be negatively impacted and those persons
21 who may benefit from the proposed legislation; and (iv) any
22 other matter that a responding agency considers appropriate in
23 relation to the racial and ethnic minorities likely to be

1 affected by the bill.

2 Section 10. Preparation.

3 (a) The sponsor of each bill for which a request under
4 Section 5 has been made shall present a copy of the bill with
5 the request for a racial impact note to the appropriate
6 responding agency or agencies under subsection (b). The
7 responding agency or agencies shall prepare and submit the note
8 to the sponsor of the bill within 5 calendar days, except that
9 whenever, because of the complexity of the measure, additional
10 time is required for the preparation of the racial impact note,
11 the responding agency or agencies may inform the sponsor of the
12 bill, and the sponsor may approve an extension of the time
13 within which the note is to be submitted, not to extend,
14 however, beyond June 15, following the date of the request. If,
15 in the opinion of the responding agency or agencies, there is
16 insufficient information to prepare a reliable estimate of the
17 anticipated impact, a statement to that effect can be filed and
18 shall meet the requirements of this Act.

19 (b) If a bill concerns arrests, convictions, or law
20 enforcement, a statement shall be prepared by the Illinois
21 Criminal Justice Information Authority specifying the impact
22 on racial and ethnic minorities. If a bill concerns
23 corrections, sentencing, or the placement of individuals
24 within the Department of Corrections, a statement shall be
25 prepared by the Department of Corrections specifying the impact

1 on racial and ethnic minorities. If a bill concerns local
2 government, a statement shall be prepared by the Department of
3 Commerce and Economic Opportunity specifying the impact on
4 racial and ethnic minorities. If a bill concerns education, one
5 of the following agencies shall prepare a statement specifying
6 the impact on racial and ethnic minorities: (i) the Illinois
7 Community Colleges Board, if the bill affects community
8 colleges; (ii) the Illinois State Board of Education, if the
9 bill affects primary and secondary education; or (iii) the
10 Illinois Board of Higher Education, if the bill affects State
11 universities. Any other State agency impacted or responsible
12 for implementing all or part of this bill shall prepare a
13 statement of the racial and ethnic impact of the bill as it
14 relates to that agency.

15 Section 15. Requisites and contents. The note shall be
16 factual in nature, as brief and concise as may be, and, in
17 addition, it shall include both the immediate effect and, if
18 determinable or reasonably foreseeable, the long range effect
19 of the measure on racial and ethnic minorities. If, after
20 careful investigation, it is determined that such an effect is
21 not ascertainable, the note shall contain a statement to that
22 effect, setting forth the reasons why no ascertainable effect
23 can be given.

24 Section 20. Comment or opinion; technical or mechanical

1 defects. No comment or opinion shall be included in the racial
2 impact note with regard to the merits of the measure for which
3 the racial impact note is prepared; however, technical or
4 mechanical defects may be noted.

5 Section 25. Appearance of State officials and employees in
6 support or opposition of measure. The fact that a racial
7 impact note is prepared for any bill or proposed rule shall not
8 preclude or restrict the appearance before any committee of the
9 General Assembly of any official or authorized employee of the
10 responding agency or agencies, or any other impacted State
11 agency, who desires to be heard in support of or in opposition
12 to the measure.

13 Section 50. The Illinois Administrative Procedure Act is
14 amended by changing Section 5-45 as follows:

15 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

16 Sec. 5-45. Emergency rulemaking.

17 (a) "Emergency" means the existence of any situation that
18 any agency finds reasonably constitutes a threat to the public
19 interest, safety, or welfare.

20 (b) If any agency finds that an emergency exists that
21 requires adoption of a rule upon fewer days than is required by
22 Section 5-40 and states in writing its reasons for that
23 finding, the agency may adopt an emergency rule without prior

1 notice or hearing upon filing a notice of emergency rulemaking
2 with the Secretary of State under Section 5-70. The notice
3 shall include the text of the emergency rule and shall be
4 published in the Illinois Register. Consent orders or other
5 court orders adopting settlements negotiated by an agency may
6 be adopted under this Section. Subject to applicable
7 constitutional or statutory provisions, an emergency rule
8 becomes effective immediately upon filing under Section 5-65 or
9 at a stated date less than 10 days thereafter. The agency's
10 finding and a statement of the specific reasons for the finding
11 shall be filed with the rule. The agency shall take reasonable
12 and appropriate measures to make emergency rules known to the
13 persons who may be affected by them.

14 (c) An emergency rule may be effective for a period of not
15 longer than 150 days, but the agency's authority to adopt an
16 identical rule under Section 5-40 is not precluded. No
17 emergency rule may be adopted more than once in any 24-month
18 period, except that this limitation on the number of emergency
19 rules that may be adopted in a 24-month period does not apply
20 to (i) emergency rules that make additions to and deletions
21 from the Drug Manual under Section 5-5.16 of the Illinois
22 Public Aid Code or the generic drug formulary under Section
23 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
24 emergency rules adopted by the Pollution Control Board before
25 July 1, 1997 to implement portions of the Livestock Management
26 Facilities Act, (iii) emergency rules adopted by the Illinois

1 Department of Public Health under subsections (a) through (i)
2 of Section 2 of the Department of Public Health Act when
3 necessary to protect the public's health, (iv) emergency rules
4 adopted pursuant to subsection (n) of this Section, (v)
5 emergency rules adopted pursuant to subsection (o) of this
6 Section, or (vi) emergency rules adopted pursuant to subsection
7 (c-5) of this Section. Two or more emergency rules having
8 substantially the same purpose and effect shall be deemed to be
9 a single rule for purposes of this Section.

10 (c-5) To facilitate the maintenance of the program of group
11 health benefits provided to annuitants, survivors, and retired
12 employees under the State Employees Group Insurance Act of
13 1971, rules to alter the contributions to be paid by the State,
14 annuitants, survivors, retired employees, or any combination
15 of those entities, for that program of group health benefits,
16 shall be adopted as emergency rules. The adoption of those
17 rules shall be considered an emergency and necessary for the
18 public interest, safety, and welfare.

19 (d) In order to provide for the expeditious and timely
20 implementation of the State's fiscal year 1999 budget,
21 emergency rules to implement any provision of Public Act 90-587
22 or 90-588 or any other budget initiative for fiscal year 1999
23 may be adopted in accordance with this Section by the agency
24 charged with administering that provision or initiative,
25 except that the 24-month limitation on the adoption of
26 emergency rules and the provisions of Sections 5-115 and 5-125

1 do not apply to rules adopted under this subsection (d). The
2 adoption of emergency rules authorized by this subsection (d)
3 shall be deemed to be necessary for the public interest,
4 safety, and welfare.

5 (e) In order to provide for the expeditious and timely
6 implementation of the State's fiscal year 2000 budget,
7 emergency rules to implement any provision of Public Act 91-24
8 or any other budget initiative for fiscal year 2000 may be
9 adopted in accordance with this Section by the agency charged
10 with administering that provision or initiative, except that
11 the 24-month limitation on the adoption of emergency rules and
12 the provisions of Sections 5-115 and 5-125 do not apply to
13 rules adopted under this subsection (e). The adoption of
14 emergency rules authorized by this subsection (e) shall be
15 deemed to be necessary for the public interest, safety, and
16 welfare.

17 (f) In order to provide for the expeditious and timely
18 implementation of the State's fiscal year 2001 budget,
19 emergency rules to implement any provision of Public Act 91-712
20 or any other budget initiative for fiscal year 2001 may be
21 adopted in accordance with this Section by the agency charged
22 with administering that provision or initiative, except that
23 the 24-month limitation on the adoption of emergency rules and
24 the provisions of Sections 5-115 and 5-125 do not apply to
25 rules adopted under this subsection (f). The adoption of
26 emergency rules authorized by this subsection (f) shall be

1 deemed to be necessary for the public interest, safety, and
2 welfare.

3 (g) In order to provide for the expeditious and timely
4 implementation of the State's fiscal year 2002 budget,
5 emergency rules to implement any provision of Public Act 92-10
6 or any other budget initiative for fiscal year 2002 may be
7 adopted in accordance with this Section by the agency charged
8 with administering that provision or initiative, except that
9 the 24-month limitation on the adoption of emergency rules and
10 the provisions of Sections 5-115 and 5-125 do not apply to
11 rules adopted under this subsection (g). The adoption of
12 emergency rules authorized by this subsection (g) shall be
13 deemed to be necessary for the public interest, safety, and
14 welfare.

15 (h) In order to provide for the expeditious and timely
16 implementation of the State's fiscal year 2003 budget,
17 emergency rules to implement any provision of Public Act 92-597
18 or any other budget initiative for fiscal year 2003 may be
19 adopted in accordance with this Section by the agency charged
20 with administering that provision or initiative, except that
21 the 24-month limitation on the adoption of emergency rules and
22 the provisions of Sections 5-115 and 5-125 do not apply to
23 rules adopted under this subsection (h). The adoption of
24 emergency rules authorized by this subsection (h) shall be
25 deemed to be necessary for the public interest, safety, and
26 welfare.

1 (i) In order to provide for the expeditious and timely
2 implementation of the State's fiscal year 2004 budget,
3 emergency rules to implement any provision of Public Act 93-20
4 or any other budget initiative for fiscal year 2004 may be
5 adopted in accordance with this Section by the agency charged
6 with administering that provision or initiative, except that
7 the 24-month limitation on the adoption of emergency rules and
8 the provisions of Sections 5-115 and 5-125 do not apply to
9 rules adopted under this subsection (i). The adoption of
10 emergency rules authorized by this subsection (i) shall be
11 deemed to be necessary for the public interest, safety, and
12 welfare.

13 (j) In order to provide for the expeditious and timely
14 implementation of the provisions of the State's fiscal year
15 2005 budget as provided under the Fiscal Year 2005 Budget
16 Implementation (Human Services) Act, emergency rules to
17 implement any provision of the Fiscal Year 2005 Budget
18 Implementation (Human Services) Act may be adopted in
19 accordance with this Section by the agency charged with
20 administering that provision, except that the 24-month
21 limitation on the adoption of emergency rules and the
22 provisions of Sections 5-115 and 5-125 do not apply to rules
23 adopted under this subsection (j). The Department of Public Aid
24 may also adopt rules under this subsection (j) necessary to
25 administer the Illinois Public Aid Code and the Children's
26 Health Insurance Program Act. The adoption of emergency rules

1 authorized by this subsection (j) shall be deemed to be
2 necessary for the public interest, safety, and welfare.

3 (k) In order to provide for the expeditious and timely
4 implementation of the provisions of the State's fiscal year
5 2006 budget, emergency rules to implement any provision of
6 Public Act 94-48 or any other budget initiative for fiscal year
7 2006 may be adopted in accordance with this Section by the
8 agency charged with administering that provision or
9 initiative, except that the 24-month limitation on the adoption
10 of emergency rules and the provisions of Sections 5-115 and
11 5-125 do not apply to rules adopted under this subsection (k).
12 The Department of Healthcare and Family Services may also adopt
13 rules under this subsection (k) necessary to administer the
14 Illinois Public Aid Code, the Senior Citizens and Persons with
15 Disabilities Property Tax Relief Act, the Senior Citizens and
16 Disabled Persons Prescription Drug Discount Program Act (now
17 the Illinois Prescription Drug Discount Program Act), and the
18 Children's Health Insurance Program Act. The adoption of
19 emergency rules authorized by this subsection (k) shall be
20 deemed to be necessary for the public interest, safety, and
21 welfare.

22 (l) In order to provide for the expeditious and timely
23 implementation of the provisions of the State's fiscal year
24 2007 budget, the Department of Healthcare and Family Services
25 may adopt emergency rules during fiscal year 2007, including
26 rules effective July 1, 2007, in accordance with this

1 subsection to the extent necessary to administer the
2 Department's responsibilities with respect to amendments to
3 the State plans and Illinois waivers approved by the federal
4 Centers for Medicare and Medicaid Services necessitated by the
5 requirements of Title XIX and Title XXI of the federal Social
6 Security Act. The adoption of emergency rules authorized by
7 this subsection (l) shall be deemed to be necessary for the
8 public interest, safety, and welfare.

9 (m) In order to provide for the expeditious and timely
10 implementation of the provisions of the State's fiscal year
11 2008 budget, the Department of Healthcare and Family Services
12 may adopt emergency rules during fiscal year 2008, including
13 rules effective July 1, 2008, in accordance with this
14 subsection to the extent necessary to administer the
15 Department's responsibilities with respect to amendments to
16 the State plans and Illinois waivers approved by the federal
17 Centers for Medicare and Medicaid Services necessitated by the
18 requirements of Title XIX and Title XXI of the federal Social
19 Security Act. The adoption of emergency rules authorized by
20 this subsection (m) shall be deemed to be necessary for the
21 public interest, safety, and welfare.

22 (n) In order to provide for the expeditious and timely
23 implementation of the provisions of the State's fiscal year
24 2010 budget, emergency rules to implement any provision of
25 Public Act 96-45 or any other budget initiative authorized by
26 the 96th General Assembly for fiscal year 2010 may be adopted

1 in accordance with this Section by the agency charged with
2 administering that provision or initiative. The adoption of
3 emergency rules authorized by this subsection (n) shall be
4 deemed to be necessary for the public interest, safety, and
5 welfare. The rulemaking authority granted in this subsection
6 (n) shall apply only to rules promulgated during Fiscal Year
7 2010.

8 (o) In order to provide for the expeditious and timely
9 implementation of the provisions of the State's fiscal year
10 2011 budget, emergency rules to implement any provision of
11 Public Act 96-958 or any other budget initiative authorized by
12 the 96th General Assembly for fiscal year 2011 may be adopted
13 in accordance with this Section by the agency charged with
14 administering that provision or initiative. The adoption of
15 emergency rules authorized by this subsection (o) is deemed to
16 be necessary for the public interest, safety, and welfare. The
17 rulemaking authority granted in this subsection (o) applies
18 only to rules promulgated on or after July 1, 2010 (the
19 effective date of Public Act 96-958) through June 30, 2011.

20 (p) In order to provide for the expeditious and timely
21 implementation of the provisions of Public Act 97-689,
22 emergency rules to implement any provision of Public Act 97-689
23 may be adopted in accordance with this subsection (p) by the
24 agency charged with administering that provision or
25 initiative. The 150-day limitation of the effective period of
26 emergency rules does not apply to rules adopted under this

1 subsection (p), and the effective period may continue through
2 June 30, 2013. The 24-month limitation on the adoption of
3 emergency rules does not apply to rules adopted under this
4 subsection (p). The adoption of emergency rules authorized by
5 this subsection (p) is deemed to be necessary for the public
6 interest, safety, and welfare.

7 (q) In order to provide for the expeditious and timely
8 implementation of the provisions of Articles 7, 8, 9, 11, and
9 12 of Public Act 98-104, emergency rules to implement any
10 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
11 may be adopted in accordance with this subsection (q) by the
12 agency charged with administering that provision or
13 initiative. The 24-month limitation on the adoption of
14 emergency rules does not apply to rules adopted under this
15 subsection (q). The adoption of emergency rules authorized by
16 this subsection (q) is deemed to be necessary for the public
17 interest, safety, and welfare.

18 (r) In order to provide for the expeditious and timely
19 implementation of the provisions of Public Act 98-651,
20 emergency rules to implement Public Act 98-651 may be adopted
21 in accordance with this subsection (r) by the Department of
22 Healthcare and Family Services. The 24-month limitation on the
23 adoption of emergency rules does not apply to rules adopted
24 under this subsection (r). The adoption of emergency rules
25 authorized by this subsection (r) is deemed to be necessary for
26 the public interest, safety, and welfare.

1 (s) In order to provide for the expeditious and timely
2 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
3 the Illinois Public Aid Code, emergency rules to implement any
4 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
5 Public Aid Code may be adopted in accordance with this
6 subsection (s) by the Department of Healthcare and Family
7 Services. The rulemaking authority granted in this subsection
8 (s) shall apply only to those rules adopted prior to July 1,
9 2015. Notwithstanding any other provision of this Section, any
10 emergency rule adopted under this subsection (s) shall only
11 apply to payments made for State fiscal year 2015. The adoption
12 of emergency rules authorized by this subsection (s) is deemed
13 to be necessary for the public interest, safety, and welfare.

14 (t) In order to provide for the expeditious and timely
15 implementation of the provisions of Article II of Public Act
16 99-6, emergency rules to implement the changes made by Article
17 II of Public Act 99-6 to the Emergency Telephone System Act may
18 be adopted in accordance with this subsection (t) by the
19 Department of State Police. The rulemaking authority granted in
20 this subsection (t) shall apply only to those rules adopted
21 prior to July 1, 2016. The 24-month limitation on the adoption
22 of emergency rules does not apply to rules adopted under this
23 subsection (t). The adoption of emergency rules authorized by
24 this subsection (t) is deemed to be necessary for the public
25 interest, safety, and welfare.

26 (u) In order to provide for the expeditious and timely

1 implementation of the provisions of the Burn Victims Relief
2 Act, emergency rules to implement any provision of the Act may
3 be adopted in accordance with this subsection (u) by the
4 Department of Insurance. The rulemaking authority granted in
5 this subsection (u) shall apply only to those rules adopted
6 prior to December 31, 2015. The adoption of emergency rules
7 authorized by this subsection (u) is deemed to be necessary for
8 the public interest, safety, and welfare.

9 (v) In order to provide for the expeditious and timely
10 implementation of the provisions of Public Act 99-516,
11 emergency rules to implement Public Act 99-516 may be adopted
12 in accordance with this subsection (v) by the Department of
13 Healthcare and Family Services. The 24-month limitation on the
14 adoption of emergency rules does not apply to rules adopted
15 under this subsection (v). The adoption of emergency rules
16 authorized by this subsection (v) is deemed to be necessary for
17 the public interest, safety, and welfare.

18 (w) In order to provide for the expeditious and timely
19 implementation of the provisions of Public Act 99-796,
20 emergency rules to implement the changes made by Public Act
21 99-796 may be adopted in accordance with this subsection (w) by
22 the Adjutant General. The adoption of emergency rules
23 authorized by this subsection (w) is deemed to be necessary for
24 the public interest, safety, and welfare.

25 (x) In order to provide for the expeditious and timely
26 implementation of the provisions of Public Act 99-906,

1 emergency rules to implement subsection (i) of Section 16-115D,
2 subsection (g) of Section 16-128A, and subsection (a) of
3 Section 16-128B of the Public Utilities Act may be adopted in
4 accordance with this subsection (x) by the Illinois Commerce
5 Commission. The rulemaking authority granted in this
6 subsection (x) shall apply only to those rules adopted within
7 180 days after June 1, 2017 (the effective date of Public Act
8 99-906). The adoption of emergency rules authorized by this
9 subsection (x) is deemed to be necessary for the public
10 interest, safety, and welfare.

11 (y) In order to provide for the expeditious and timely
12 implementation of the provisions of Public Act 100-23,
13 emergency rules to implement the changes made by Public Act
14 100-23 to Section 4.02 of the Illinois Act on the Aging,
15 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
16 Section 55-30 of the Alcoholism and Other Drug Abuse and
17 Dependency Act, and Sections 74 and 75 of the Mental Health and
18 Developmental Disabilities Administrative Act may be adopted
19 in accordance with this subsection (y) by the respective
20 Department. The adoption of emergency rules authorized by this
21 subsection (y) is deemed to be necessary for the public
22 interest, safety, and welfare.

23 (z) In order to provide for the expeditious and timely
24 implementation of the provisions of Public Act 100-554,
25 emergency rules to implement the changes made by Public Act
26 100-554 to Section 4.7 of the Lobbyist Registration Act may be

1 adopted in accordance with this subsection (z) by the Secretary
2 of State. The adoption of emergency rules authorized by this
3 subsection (z) is deemed to be necessary for the public
4 interest, safety, and welfare.

5 (aa) In order to provide for the expeditious and timely
6 initial implementation of the changes made to Articles 5, 5A,
7 12, and 14 of the Illinois Public Aid Code under the provisions
8 of Public Act 100-581, the Department of Healthcare and Family
9 Services may adopt emergency rules in accordance with this
10 subsection (aa). The 24-month limitation on the adoption of
11 emergency rules does not apply to rules to initially implement
12 the changes made to Articles 5, 5A, 12, and 14 of the Illinois
13 Public Aid Code adopted under this subsection (aa). The
14 adoption of emergency rules authorized by this subsection (aa)
15 is deemed to be necessary for the public interest, safety, and
16 welfare.

17 (bb) In order to provide for the expeditious and timely
18 implementation of the provisions of Public Act 100-587,
19 emergency rules to implement the changes made by Public Act
20 100-587 to Section 4.02 of the Illinois Act on the Aging,
21 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
22 subsection (b) of Section 55-30 of the Alcoholism and Other
23 Drug Abuse and Dependency Act, Section 5-104 of the Specialized
24 Mental Health Rehabilitation Act of 2013, and Section 75 and
25 subsection (b) of Section 74 of the Mental Health and
26 Developmental Disabilities Administrative Act may be adopted

1 in accordance with this subsection (bb) by the respective
2 Department. The adoption of emergency rules authorized by this
3 subsection (bb) is deemed to be necessary for the public
4 interest, safety, and welfare.

5 (cc) In order to provide for the expeditious and timely
6 implementation of the provisions of Public Act 100-587,
7 emergency rules may be adopted in accordance with this
8 subsection (cc) to implement the changes made by Public Act
9 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois
10 Pension Code by the Board created under Article 14 of the Code;
11 Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by
12 the Board created under Article 15 of the Code; and Sections
13 16-190.5 and 16-190.6 of the Illinois Pension Code by the Board
14 created under Article 16 of the Code. The adoption of emergency
15 rules authorized by this subsection (cc) is deemed to be
16 necessary for the public interest, safety, and welfare.

17 (dd) In order to provide for the expeditious and timely
18 implementation of the provisions of Public Act 100-864,
19 emergency rules to implement the changes made by Public Act
20 100-864 to Section 3.35 of the Newborn Metabolic Screening Act
21 may be adopted in accordance with this subsection (dd) by the
22 Secretary of State. The adoption of emergency rules authorized
23 by this subsection (dd) is deemed to be necessary for the
24 public interest, safety, and welfare.

25 (ee) In order to provide for the expeditious and timely
26 implementation of the provisions of this amendatory Act of the

1 100th General Assembly, emergency rules implementing the
2 Illinois Underground Natural Gas Storage Safety Act may be
3 adopted in accordance with this subsection by the Department of
4 Natural Resources. The adoption of emergency rules authorized
5 by this subsection is deemed to be necessary for the public
6 interest, safety, and welfare.

7 (ff) In order to provide for the expeditious and timely
8 implementation of the provisions of this amendatory Act of the
9 101st General Assembly, emergency rules to implement the
10 changes made by this amendatory Act of the 101st General
11 Assembly to Section 4.8 of the Lobbyist Registration Act may be
12 adopted in accordance with this subsection (ff) by the
13 Secretary of State. The adoption of emergency rules authorized
14 by this subsection (ff) is deemed to be necessary for the
15 public interest, safety, and welfare.

16 (Source: P.A. 99-2, eff. 3-26-15; 99-6, eff. 1-1-16; 99-143,
17 eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff. 6-30-16;
18 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906, eff. 6-1-17;
19 100-23, eff. 7-6-17; 100-554, eff. 11-16-17; 100-581, eff.
20 3-12-18; 100-587, Article 95, Section 95-5, eff. 6-4-18;
21 100-587, Article 110, Section 110-5, eff. 6-4-18; 100-864, eff.
22 8-14-18; 100-1172, eff. 1-4-19.)

23 Section 55. The State Officials and Employees Ethics Act is
24 amended by changing Sections 5-5, 50-5, and 70-5 and by adding
25 Sections 5-10.10 and 5-70 as follows:

1 (5 ILCS 430/5-5)

2 Sec. 5-5. Personnel policies.

3 (a) Each of the following shall adopt and implement
4 personnel policies for all State employees under his, her, or
5 its jurisdiction and control: (i) each executive branch
6 constitutional officer, (ii) each legislative leader, (iii)
7 the Senate Operations Commission, with respect to legislative
8 employees under Section 4 of the General Assembly Operations
9 Act, (iv) the Speaker of the House of Representatives, with
10 respect to legislative employees under Section 5 of the General
11 Assembly Operations Act, (v) the Joint Committee on Legislative
12 Support Services, with respect to State employees of the
13 legislative support services agencies, (vi) members of the
14 General Assembly, with respect to legislative assistants, as
15 provided in Section 4 of the General Assembly Compensation Act,
16 (vii) the Auditor General, (viii) the Board of Higher
17 Education, with respect to State employees of public
18 institutions of higher learning except community colleges, and
19 (ix) the Illinois Community College Board, with respect to
20 State employees of community colleges. The Governor shall adopt
21 and implement those policies for all State employees of the
22 executive branch not under the jurisdiction and control of any
23 other executive branch constitutional officer.

24 (b) The policies required under subsection (a) shall be
25 filed with the appropriate ethics commission established under

1 this Act or, for the Auditor General, with the Office of the
2 Auditor General.

3 (c) The policies required under subsection (a) shall
4 include policies relating to work time requirements,
5 documentation of time worked, documentation for reimbursement
6 for travel on official State business, compensation, and the
7 earning or accrual of State benefits for all State employees
8 who may be eligible to receive those benefits.

9 No later than 30 days after November 16, 2017 (the
10 effective date of Public Act 100-554) ~~this amendatory Act of~~
11 ~~the 100th General Assembly~~, the policies shall include, at a
12 minimum: (i) a prohibition on sexual harassment; (ii) details
13 on how an individual can report an allegation of sexual
14 harassment, including options for making a confidential report
15 to a supervisor, ethics officer, Inspector General, or the
16 Department of Human Rights; (iii) a prohibition on retaliation
17 for reporting sexual harassment allegations, including
18 availability of whistleblower protections under this Act, the
19 Whistleblower Act, and the Illinois Human Rights Act; and (iv)
20 the consequences of a violation of the prohibition on sexual
21 harassment and the consequences for knowingly making a false
22 report. The policies shall comply with and be consistent with
23 all other applicable laws.

24 No later than 30 days after the effective date of this
25 amendatory Act of the 101st General Assembly, the policies
26 shall include, at a minimum: (i) a prohibition on racial

1 discrimination and harassment; (ii) details on how an
2 individual can report an allegation of racial discrimination
3 and harassment, including options for making a confidential
4 report to a supervisor, ethics officer, Inspector General, or
5 the Department of Human Rights; (iii) a prohibition on
6 retaliation for reporting racial discrimination and harassment
7 allegations, including availability of whistleblower
8 protections under this Act, the Whistleblower Act, and the
9 Illinois Human Rights Act; and (iv) the consequences of a
10 violation of the prohibition on racial discrimination and
11 harassment and the consequences for knowingly making a false
12 report. The policies shall comply with and be consistent with
13 all other applicable laws. The policies shall require State
14 employees to periodically submit time sheets documenting the
15 time spent each day on official State business to the nearest
16 quarter hour; contractual State employees may satisfy the time
17 sheets requirement by complying with the terms of their
18 contract, which shall provide for a means of compliance with
19 this requirement. The policies for State employees shall
20 require those time sheets to be submitted on paper,
21 electronically, or both and to be maintained in either paper or
22 electronic format by the applicable fiscal office for a period
23 of at least 2 years.

24 (d) The policies required under subsection (a) shall be
25 adopted by the applicable entity before February 1, 2004 and
26 shall apply to State employees beginning 30 days after

1 adoption.

2 (Source: P.A. 100-554, eff. 11-16-17.)

3 (5 ILCS 430/5-10.10 new)

4 Sec. 5-10.10. Racial bias, discrimination, and harassment
5 training.

6 (a) Each officer, member, and employee must complete, at
7 least annually beginning in 2020, a racial bias,
8 discrimination, and harassment training program. A person who
9 fills a vacancy in an elective or appointed position that
10 requires training under this Section must complete his or her
11 initial racial bias, discrimination, and harassment training
12 program within 30 days after commencement of his or her office
13 or employment. The training shall include, at a minimum, the
14 following: (i) the definitions and descriptions of racial bias,
15 discrimination, and harassment utilizing examples; (ii)
16 details on how an individual can report an allegation of racial
17 discrimination or harassment, including options for making a
18 confidential report to a supervisor, ethics officer, Inspector
19 General, or the Department of Human Rights; (iii) the
20 definition and description of retaliation for reporting racial
21 discrimination and harassment allegations utilizing examples,
22 including availability of whistleblower protections under this
23 Act, the Whistleblower Act, and the Illinois Human Rights Act;
24 and (iv) the consequences of a violation of the prohibition on
25 racial discrimination or harassment and the consequences for

1 knowingly making a false report. Proof of completion must be
2 submitted to the applicable ethics officer. Racial bias,
3 discrimination, and harassment training programs shall be
4 overseen by the appropriate Ethics Commission and Inspector
5 General appointed under this Act.

6 (b) Each ultimate jurisdictional authority shall submit to
7 the applicable Ethics Commission, at least annually, or more
8 frequently as required by that Commission, a report that
9 summarizes the racial bias, discrimination, and harassment
10 training program that was completed during the previous year,
11 and lays out the plan for the training program in the coming
12 year. The report shall include the names of individuals that
13 failed to complete the required training program. Each Ethics
14 Commission shall make the reports available on its website.

15 (5 ILCS 430/5-70 new)

16 Sec. 5-70. Prohibition on racial discrimination and
17 harassment.

18 (a) All persons have a right to work in an environment free
19 from racial discrimination and harassment. All persons subject
20 to this Act are prohibited from racially discriminating against
21 or harassing any person, regardless of any employment
22 relationship or lack thereof.

23 (b) For purposes of this Act, "racial discrimination and
24 harassment" means any actions taken, or decisions or statements
25 made, based on an individual's actual or perceived race when

1 such actions are taken, or decisions or statements: (i) are
2 made in relation to an individual's employment; (ii) are used
3 as all or part of the basis for employment decisions affecting
4 such individual; or (iii) have the purpose or effect of
5 substantially interfering with an individual's work
6 performance or creating an intimidating, hostile, or offensive
7 working environment. For purposes of this definition, the
8 phrase "working environment" is not limited to a physical
9 location an employee is assigned to perform his or her duties
10 and does not require an employment relationship.

11 (5 ILCS 430/50-5)

12 Sec. 50-5. Penalties.

13 (a) A person is guilty of a Class A misdemeanor if that
14 person intentionally violates any provision of Section 5-15,
15 5-30, 5-40, or 5-45 or Article 15.

16 (a-1) An ethics commission may levy an administrative fine
17 for a violation of Section 5-45 of this Act of up to 3 times the
18 total annual compensation that would have been obtained in
19 violation of Section 5-45.

20 (b) A person who intentionally violates any provision of
21 Section 5-20, 5-35, 5-50, or 5-55 is guilty of a business
22 offense subject to a fine of at least \$1,001 and up to \$5,000.

23 (c) A person who intentionally violates any provision of
24 Article 10 is guilty of a business offense and subject to a
25 fine of at least \$1,001 and up to \$5,000.

1 (d) Any person who intentionally makes a false report
2 alleging a violation of any provision of this Act to an ethics
3 commission, an inspector general, the State Police, a State's
4 Attorney, the Attorney General, or any other law enforcement
5 official is guilty of a Class A misdemeanor.

6 (e) An ethics commission may levy an administrative fine of
7 up to \$5,000 against any person who violates this Act, who
8 intentionally obstructs or interferes with an investigation
9 conducted under this Act by an inspector general, or who
10 intentionally makes a false, frivolous, or bad faith
11 allegation.

12 (f) In addition to any other penalty that may apply,
13 whether criminal or civil, a State employee who intentionally
14 violates any provision of Section 5-5, 5-15, 5-20, 5-30, 5-35,
15 5-45, or 5-50, Article 10, Article 15, or Section 20-90 or
16 25-90 is subject to discipline or discharge by the appropriate
17 ultimate jurisdictional authority.

18 (g) Any person who violates Section 5-65 or 5-70 is subject
19 to a fine of up to \$5,000 per offense, and is subject to
20 discipline or discharge by the appropriate ultimate
21 jurisdictional authority. Each violation of Section 5-65 or
22 5-70 is a separate offense. Any penalty imposed by an ethics
23 commission shall be separate and distinct from any fines or
24 penalties imposed by a court of law or a State or federal
25 agency.

26 (h) Any natural person or lobbying entity who intentionally

1 violates Section 4.7 or 4.8, paragraph (d) or (e) of Section 5,
2 or subsection (a-5) of Section 11 of the Lobbyist Registration
3 Act is guilty of a business offense and shall be subject to a
4 fine of up to \$5,000. The Executive Ethics Commission, after
5 the adjudication of a violation of Section 4.7 of the Lobbyist
6 Registration Act for which an investigation was initiated by
7 the Inspector General appointed by the Secretary of State under
8 Section 14 of the Secretary of State Act, is authorized to
9 strike or suspend the registration under the Lobbyist
10 Registration Act of any person or lobbying entity for which
11 that person is employed for a period of up to 3 years. In
12 addition to any other fine or penalty which may be imposed, the
13 Executive Ethics Commission may also levy an administrative
14 fine of up to \$5,000 for a violation specified under this
15 subsection (h). Any penalty imposed by an ethics commission
16 shall be separate and distinct from any fines or penalties
17 imposed by a court of law or by the Secretary of State under
18 the Lobbyist Registration Act.

19 (Source: P.A. 100-554, eff. 11-16-17; 100-588, eff. 6-8-18.)

20 (5 ILCS 430/70-5)

21 Sec. 70-5. Adoption by governmental entities.

22 (a) Within 6 months after the effective date of this Act,
23 each governmental entity other than a community college
24 district, and each community college district within 6 months
25 after the effective date of this amendatory Act of the 95th

1 General Assembly, shall adopt an ordinance or resolution that
2 regulates, in a manner no less restrictive than Section 5-15
3 and Article 10 of this Act, (i) the political activities of
4 officers and employees of the governmental entity and (ii) the
5 soliciting and accepting of gifts by and the offering and
6 making of gifts to officers and employees of the governmental
7 entity.

8 No later than 60 days after November 16, 2017 (the
9 effective date of Public Act 100-554) ~~this amendatory Act of~~
10 ~~the 100th General Assembly~~, each governmental unit shall adopt
11 an ordinance or resolution establishing a policy to prohibit
12 sexual harassment. The policy shall include, at a minimum: (i)
13 a prohibition on sexual harassment; (ii) details on how an
14 individual can report an allegation of sexual harassment,
15 including options for making a confidential report to a
16 supervisor, ethics officer, Inspector General, or the
17 Department of Human Rights; (iii) a prohibition on retaliation
18 for reporting sexual harassment allegations, including
19 availability of whistleblower protections under this Act, the
20 Whistleblower Act, and the Illinois Human Rights Act; and (iv)
21 the consequences of a violation of the prohibition on sexual
22 harassment and the consequences for knowingly making a false
23 report.

24 No later than 60 days after the effective date of this
25 amendatory Act of the 101st General Assembly, each governmental
26 unit shall adopt an ordinance or resolution establishing a

1 policy to prohibit racial discrimination and harassment. The
2 policy shall include, at a minimum: (i) a prohibition on racial
3 discrimination and harassment; (ii) details on how an
4 individual can report an allegation of racial discrimination
5 and harassment, including options for making a confidential
6 report to a supervisor, ethics officer, Inspector General, or
7 the Department of Human Rights; (iii) a prohibition on
8 retaliation for reporting racial discrimination and harassment
9 allegations, including availability of whistleblower
10 protections under this Act, the Whistleblower Act, and the
11 Illinois Human Rights Act; and (iv) the consequences of a
12 violation of the prohibition on racial discrimination and
13 harassment and the consequences for knowingly making a false
14 report.

15 (b) Within 3 months after the effective date of this
16 amendatory Act of the 93rd General Assembly, the Attorney
17 General shall develop model ordinances and resolutions for the
18 purpose of this Article. The Attorney General shall advise
19 governmental entities on their contents and adoption.

20 (c) As used in this Article, (i) an "officer" means an
21 elected or appointed official; regardless of whether the
22 official is compensated, and (ii) an "employee" means a
23 full-time, part-time, or contractual employee.

24 (Source: P.A. 100-554, eff. 11-16-17.)

25 Section 60. The Secretary of State Act is amended by

1 changing Section 14 as follows:

2 (15 ILCS 305/14)

3 Sec. 14. Inspector General.

4 (a) The Secretary of State must, with the advice and
5 consent of the Senate, appoint an Inspector General for the
6 purpose of detection, deterrence, and prevention of fraud,
7 corruption, mismanagement, gross or aggravated misconduct, or
8 misconduct that may be criminal in nature in the Office of the
9 Secretary of State. The Inspector General shall serve a 5-year
10 term. If no successor is appointed and qualified upon the
11 expiration of the Inspector General's term, the Office of
12 Inspector General is deemed vacant and the powers and duties
13 under this Section may be exercised only by an appointed and
14 qualified interim Inspector General until a successor
15 Inspector General is appointed and qualified. If the General
16 Assembly is not in session when a vacancy in the Office of
17 Inspector General occurs, the Secretary of State may appoint an
18 interim Inspector General whose term shall expire 2 weeks after
19 the next regularly scheduled session day of the Senate.

20 (b) The Inspector General shall have the following
21 qualifications:

22 (1) has not been convicted of any felony under the laws
23 of this State, another State, or the United States;

24 (2) has earned a baccalaureate degree from an
25 institution of higher education; and

1 (3) has either (A) 5 or more years of service with a
2 federal, State, or local law enforcement agency, at least 2
3 years of which have been in a progressive investigatory
4 capacity; (B) 5 or more years of service as a federal,
5 State, or local prosecutor; or (C) 5 or more years of
6 service as a senior manager or executive of a federal,
7 State, or local agency.

8 (c) The Inspector General may review, coordinate, and
9 recommend methods and procedures to increase the integrity of
10 the Office of the Secretary of State. The duties of the
11 Inspector General shall supplement and not supplant the duties
12 of the Chief Auditor for the Secretary of State's Office or any
13 other Inspector General that may be authorized by law. The
14 Inspector General must report directly to the Secretary of
15 State.

16 (d) In addition to the authority otherwise provided by this
17 Section, but only when investigating the Office of the
18 Secretary of State, its employees, or their actions for fraud,
19 corruption, mismanagement, gross or aggravated misconduct, or
20 misconduct that may be criminal in nature, the Inspector
21 General is authorized:

22 (1) To have access to all records, reports, audits,
23 reviews, documents, papers, recommendations, or other
24 materials available that relate to programs and operations
25 with respect to which the Inspector General has
26 responsibilities under this Section.

1 (2) To make any investigations and reports relating to
2 the administration of the programs and operations of the
3 Office of the Secretary of State that are, in the judgment
4 of the Inspector General, necessary or desirable.

5 (3) To request any information or assistance that may
6 be necessary for carrying out the duties and
7 responsibilities provided by this Section from any local,
8 State, or federal governmental agency or unit thereof.

9 (4) To require by subpoena the appearance of witnesses
10 and the production of all information, documents, reports,
11 answers, records, accounts, papers, and other data and
12 documentary evidence necessary in the performance of the
13 functions assigned by this Section, with the exception of
14 subsection (c) and with the exception of records of a labor
15 organization authorized and recognized under the Illinois
16 Public Labor Relations Act to be the exclusive bargaining
17 representative of employees of the Secretary of State,
18 including, but not limited to, records of representation of
19 employees and the negotiation of collective bargaining
20 agreements. A subpoena may be issued under this paragraph
21 (4) only by the Inspector General and not by members of the
22 Inspector General's staff. A person duly subpoenaed for
23 testimony, documents, or other items who neglects or
24 refuses to testify or produce documents or other items
25 under the requirements of the subpoena shall be subject to
26 punishment as may be determined by a court of competent

1 jurisdiction, unless (i) the testimony, documents, or
2 other items are covered by the attorney-client privilege or
3 any other privilege or right recognized by law or (ii) the
4 testimony, documents, or other items concern the
5 representation of employees and the negotiation of
6 collective bargaining agreements by a labor organization
7 authorized and recognized under the Illinois Public Labor
8 Relations Act to be the exclusive bargaining
9 representative of employees of the Secretary of State.
10 Nothing in this Section limits a person's right to
11 protection against self-incrimination under the Fifth
12 Amendment of the United States Constitution or Article I,
13 Section 10, of the Constitution of the State of Illinois.

14 (5) To have direct and prompt access to the Secretary
15 of State for any purpose pertaining to the performance of
16 functions and responsibilities under this Section.

17 (d-5) In addition to the authority otherwise provided by
18 this Section, the Secretary of State Inspector General shall
19 have jurisdiction to investigate complaints and allegations of
20 wrongdoing by any person or entity related to the Lobbyist
21 Registration Act. When investigating those complaints and
22 allegations, the Inspector General is authorized:

23 (1) To have access to all records, reports, audits,
24 reviews, documents, papers, recommendations, or other
25 materials available that relate to programs and operations
26 with respect to which the Inspector General has

1 responsibilities under this Section.

2 (2) To request any information or assistance that may
3 be necessary for carrying out the duties and
4 responsibilities provided by this Section from any local,
5 State, or federal governmental agency or unit thereof.

6 (3) To require by subpoena the appearance of witnesses
7 and the production of all information, documents, reports,
8 answers, records, accounts, papers, and other data and
9 documentary evidence necessary in the performance of the
10 functions assigned by this Section. A subpoena may be
11 issued under this paragraph (3) only by the Inspector
12 General and not by members of the Inspector General's
13 staff. A person duly subpoenaed for testimony, documents,
14 or other items who neglects or refuses to testify or
15 produce documents or other items under the requirements of
16 the subpoena shall be subject to punishment as may be
17 determined by a court of competent jurisdiction, unless the
18 testimony, documents, or other items are covered by the
19 attorney-client privilege or any other privilege or right
20 recognized by law. Nothing in this Section limits a
21 person's right to protection against self-incrimination
22 under the Fifth Amendment of the United States Constitution
23 or Section 10 of Article I of the Constitution of the State
24 of Illinois.

25 (4) To have direct and prompt access to the Secretary
26 of State for any purpose pertaining to the performance of

1 functions and responsibilities under this Section.

2 (5) As provided in subsection (d) of Section 5 of the
3 Lobbyist Registration Act, to review allegations that an
4 individual required to be registered under the Lobbyist
5 Registration Act has engaged in one or more acts of sexual
6 harassment. Upon completion of that review, the Inspector
7 General shall submit a summary of the review to the
8 Executive Ethics Commission. The Inspector General is
9 authorized to file pleadings with the Executive Ethics
10 Commission, through the Attorney General, if the Attorney
11 General finds that reasonable cause exists to believe that
12 a violation regarding acts of sexual harassment has
13 occurred. The Secretary shall adopt rules setting forth the
14 procedures for the review of such allegations.

15 (6) As provided in subsection (e) of Section 5 of the
16 Lobbyist Registration Act, to review allegations that an
17 individual required to be registered under the Lobbyist
18 Registration Act has engaged in one or more acts of racial
19 discrimination and harassment. Upon completion of that
20 review, the Inspector General shall submit a summary of the
21 review to the Executive Ethics Commission. The Secretary
22 shall adopt rules setting forth the procedures for the
23 review of such allegations.

24 (e) The Inspector General may receive and investigate
25 complaints or information concerning the possible existence of
26 an activity constituting a violation of law, rules, or

1 regulations; mismanagement; abuse of authority; or substantial
2 and specific danger to the public health and safety. Any person
3 who knowingly files a false complaint or files a complaint with
4 reckless disregard for the truth or the falsity of the facts
5 underlying the complaint may be subject to discipline as set
6 forth in the rules of the Department of Personnel of the
7 Secretary of State or the Inspector General may refer the
8 matter to a State's Attorney or the Attorney General.

9 The Inspector General may not, after receipt of a complaint
10 or information, disclose the identity of the source without the
11 consent of the source, unless the Inspector General determines
12 that disclosure of the identity is reasonable and necessary for
13 the furtherance of the investigation.

14 Any employee who has the authority to recommend or approve
15 any personnel action or to direct others to recommend or
16 approve any personnel action may not, with respect to that
17 authority, take or threaten to take any action against any
18 employee as a reprisal for making a complaint or disclosing
19 information to the Inspector General, unless the complaint was
20 made or the information disclosed with the knowledge that it
21 was false or with willful disregard for its truth or falsity.

22 (f) The Inspector General must adopt rules, in accordance
23 with the provisions of the Illinois Administrative Procedure
24 Act, establishing minimum requirements for initiating,
25 conducting, and completing investigations. The rules must
26 establish criteria for determining, based upon the nature of

1 the allegation, the appropriate method of investigation, which
2 may include, but is not limited to, site visits, telephone
3 contacts, personal interviews, or requests for written
4 responses. The rules must also clarify how the Office of the
5 Inspector General shall interact with other local, State, and
6 federal law enforcement investigations.

7 Any employee of the Secretary of State subject to
8 investigation or inquiry by the Inspector General or any agent
9 or representative of the Inspector General concerning
10 misconduct that is criminal in nature shall have the right to
11 be notified of the right to remain silent during the
12 investigation or inquiry and the right to be represented in the
13 investigation or inquiry by an attorney or a representative of
14 a labor organization that is the exclusive collective
15 bargaining representative of employees of the Secretary of
16 State. Any investigation or inquiry by the Inspector General or
17 any agent or representative of the Inspector General must be
18 conducted with an awareness of the provisions of a collective
19 bargaining agreement that applies to the employees of the
20 Secretary of State and with an awareness of the rights of the
21 employees as set forth in State and federal law and applicable
22 judicial decisions. Any recommendations for discipline or any
23 action taken against any employee by the Inspector General or
24 any representative or agent of the Inspector General must
25 comply with the provisions of the collective bargaining
26 agreement that applies to the employee.

1 (g) On or before January 1 of each year, the Inspector
2 General shall report to the President of the Senate, the
3 Minority Leader of the Senate, the Speaker of the House of
4 Representatives, and the Minority Leader of the House of
5 Representatives on the types of investigations and the
6 activities undertaken by the Office of the Inspector General
7 during the previous calendar year.

8 (Source: P.A. 100-554, eff. 11-16-17; 100-588, eff. 6-8-18.)

9 Section 65. The Lobbyist Registration Act is amended by
10 changing Sections 5 and 10 and by adding Section 4.8 as
11 follows:

12 (25 ILCS 170/4.8 new)

13 Sec. 4.8. Prohibition on racial discrimination and
14 harassment.

15 (a) All persons have the right to work in an environment
16 free from racial discrimination and harassment. All persons
17 subject to this Act shall refrain from racial discrimination
18 and harassment of any person.

19 (b) Beginning January 1, 2020, each natural person required
20 to register as a lobbyist under this Act must complete, at
21 least annually, a racial bias, discrimination, and harassment
22 training program provided by the Secretary of State. A natural
23 person registered under this Act must complete the training
24 program no later than 30 days after registration or renewal

1 under this Act. This requirement does not apply to a lobbying
2 entity or a client that hires a lobbyist that (i) does not have
3 employees of the lobbying entity or client registered as
4 lobbyists, or (ii) does not have an actual presence in
5 Illinois.

6 (c) No later than January 1, 2020, each natural person and
7 any entity required to register under this Act shall have a
8 written racial discrimination and harassment policy that shall
9 include, at a minimum: (i) a prohibition on racial
10 discrimination and harassment; (ii) details on how an
11 individual can report an allegation of racial discrimination
12 and harassment, including options for making a confidential
13 report to a supervisor, ethics officer, Inspector General, or
14 the Department of Human Rights; (iii) a prohibition on
15 retaliation for reporting racial discrimination and harassment
16 allegations, including availability of whistleblower
17 protections under the State Officials and Employee Ethics Act,
18 the Whistleblower Act, and the Illinois Human Rights Act; and
19 (iv) the consequences of a violation of the prohibition on
20 racial discrimination and harassment and the consequences for
21 knowingly making a false report.

22 (d) For purposes of this Act, "racial discrimination and
23 harassment" means any actions taken, or decisions or statements
24 made, based on an individual's actual or perceived race when
25 such actions are taken, or decisions or statements: (i) are
26 made in relation to an individual's employment; (ii) are used

1 as all or part of the basis for employment decisions affecting
2 such individual; or (iii) have the purpose or effect of
3 substantially interfering with an individual's work
4 performance or creating an intimidating, hostile, or offensive
5 working environment. For purposes of this definition, the
6 phrase "working environment" is not limited to a physical
7 location an employee is assigned to perform his or her duties
8 and does not require an employment relationship.

9 (e) The Secretary of State shall adopt rules for the
10 implementation of this Section. In order to provide for the
11 expeditious and timely implementation of this Section, the
12 Secretary of State shall adopt emergency rules under subsection
13 (ff) of Section 5-45 of the Illinois Administrative Procedure
14 Act for the implementation of this Section no later than 60
15 days after the effective date of this amendatory Act of the
16 101st General Assembly.

17 (25 ILCS 170/5)

18 Sec. 5. Lobbyist registration and disclosure. Every
19 natural person and every entity required to register under this
20 Act shall before any service is performed which requires the
21 natural person or entity to register, but in any event not
22 later than 2 business days after being employed or retained,
23 file in the Office of the Secretary of State a statement in a
24 format prescribed by the Secretary of State containing the
25 following information with respect to each person or entity

1 employing, retaining, or benefitting from the services of the
2 natural person or entity required to register:

3 (a) The registrant's name, permanent address, e-mail
4 address, if any, fax number, if any, business telephone
5 number, and temporary address, if the registrant has a
6 temporary address while lobbying.

7 (a-5) If the registrant is an entity, the information
8 required under subsection (a) for each natural person
9 associated with the registrant who will be lobbying,
10 regardless of whether lobbying is a significant part of his
11 or her duties.

12 (b) The name and address of the client or clients
13 employing or retaining the registrant to perform such
14 services or on whose behalf the registrant appears. If the
15 client employing or retaining the registrant is a client
16 registrant, the statement shall also include the name and
17 address of the client or clients of the client registrant
18 on whose behalf the registrant will be or anticipates
19 performing services.

20 (c) A brief description of the executive, legislative,
21 or administrative action in reference to which such service
22 is to be rendered.

23 (c-5) Each executive and legislative branch agency the
24 registrant expects to lobby during the registration
25 period.

26 (c-6) The nature of the client's business, by

1 indicating all of the following categories that apply: (1)
2 banking and financial services, (2) manufacturing, (3)
3 education, (4) environment, (5) healthcare, (6) insurance,
4 (7) community interests, (8) labor, (9) public relations or
5 advertising, (10) marketing or sales, (11) hospitality,
6 (12) engineering, (13) information or technology products
7 or services, (14) social services, (15) public utilities,
8 (16) racing or wagering, (17) real estate or construction,
9 (18) telecommunications, (19) trade or professional
10 association, (20) travel or tourism, (21) transportation,
11 (22) agriculture, and (23) other (setting forth the nature
12 of that other business).

13 (d) A confirmation that the registrant has a sexual
14 harassment policy as required by Section 4.7, that such
15 policy shall be made available to any individual within 2
16 business days upon written request (including electronic
17 requests), that any person may contact the authorized agent
18 of the registrant to report allegations of sexual
19 harassment, and that the registrant recognizes the
20 Inspector General has jurisdiction to review any
21 allegations of sexual harassment alleged against the
22 registrant or lobbyists hired by the registrant.

23 (e) A confirmation that the registrant has a racial
24 discrimination and harassment policy as required by
25 Section 4.7, that such policy shall be made available to
26 any individual within 2 business days upon written request

1 (including electronic requests), that any person may
2 contact the authorized agent of the registrant to report
3 allegations of racial discrimination and harassment, and
4 that the registrant recognizes the Inspector General has
5 jurisdiction to review any allegations of racial
6 discrimination and harassment alleged against the
7 registrant or lobbyists hired by the registrant.

8 Every natural person and every entity required to register
9 under this Act shall annually submit the registration required
10 by this Section on or before each January 31. The registrant
11 has a continuing duty to report any substantial change or
12 addition to the information contained in the registration.

13 The Secretary of State shall make all filed statements and
14 amendments to statements publicly available by means of a
15 searchable database that is accessible through the World Wide
16 Web. The Secretary of State shall provide all software
17 necessary to comply with this provision to all natural persons
18 and entities required to file. The Secretary of State shall
19 implement a plan to provide computer access and assistance to
20 natural persons and entities required to file electronically.

21 All natural persons and entities required to register under
22 this Act shall remit a single, annual, and nonrefundable \$300
23 registration fee. Each natural person required to register
24 under this Act shall submit, on an annual basis, a picture of
25 the registrant. A registrant may, in lieu of submitting a
26 picture on an annual basis, authorize the Secretary of State to

1 use any photo identification available in any database
2 maintained by the Secretary of State for other purposes. Each
3 registration fee collected for registrations on or after
4 January 1, 2010 shall be deposited into the Lobbyist
5 Registration Administration Fund for administration and
6 enforcement of this Act.

7 (Source: P.A. 100-554, eff. 11-16-17.)

8 (25 ILCS 170/10) (from Ch. 63, par. 180)

9 Sec. 10. Penalties.

10 (a) Any person who violates any of the provisions of this
11 Act, except for a violation of Section 4.7 or 4.8 or paragraph
12 (d) or (e) of Section 5, shall be guilty of a business offense
13 and shall be fined not more than \$10,000 for each violation.
14 Every day that a report or registration is late shall
15 constitute a separate violation. In determining the
16 appropriate fine for each violation, the trier of fact shall
17 consider the scope of the entire lobbying project, the nature
18 of activities conducted during the time the person was in
19 violation of this Act, and whether or not the violation was
20 intentional or unreasonable.

21 (a-5) A violation of Section 4.7 or 4.8 or paragraph (d) or
22 (e) of Section 5 shall be considered a violation of the State
23 Officials and Employees Ethics Act, subject to the jurisdiction
24 of the Executive Ethics Commission and to all penalties under
25 Section 50-5 of the State Officials and Employees Ethics Act.

1 (b) In addition to the penalties provided for in
2 subsections (a) and (a-5) of this Section, any person convicted
3 of any violation of any provision of this Act is prohibited for
4 a period of three years from the date of such conviction from
5 lobbying.

6 (c) There is created in the State treasury a special fund
7 to be known as the Lobbyist Registration Administration Fund.
8 All fines collected in the enforcement of this Section shall be
9 deposited into the Fund. These funds shall, subject to
10 appropriation, be used by the Office of the Secretary of State
11 for implementation and administration of this Act.

12 (Source: P.A. 100-554, eff. 11-16-17.)

13 Section 70. The Illinois Human Rights Act is amended by
14 adding Section 2-108 as follows:

15 (775 ILCS 5/2-108 new)

16 Sec. 2-108. Hotline to Report Racial Discrimination and
17 Harassment.

18 (a) The Department shall, no later than 3 months after the
19 effective date of this amendatory Act of the 101st General
20 Assembly, establish and maintain a racial discrimination and
21 harassment hotline. The Department shall help persons who
22 contact the Department through the hotline find necessary
23 resources, including counseling services, and assist in the
24 filing of racial discrimination and harassment complaints with

1 the Department or other applicable agencies. The Department may
2 recommend that an individual seek private counsel, but shall
3 not make recommendations for legal representation. The hotline
4 shall provide the means through which persons may anonymously
5 report racial discrimination and harassment in both private and
6 public places of employment. In the case of a report of racial
7 discrimination and harassment by a person subject to Article 20
8 or 25 of the State Officials and Employees Ethics Act, the
9 Department shall, with the permission of the reporting
10 individual, report the allegations to the Executive Inspector
11 General or Legislative Inspector General for further
12 investigation.

13 (b) The Department shall advertise the hotline on its
14 website and in materials related to racial discrimination and
15 harassment, including posters made available to the public, and
16 encourage reporting by both those who are subject to racial
17 discrimination and harassment and those who have witnessed it.

18 (c) All communications received by the Department via the
19 hotline or Internet communication shall remain confidential
20 and shall be exempt from disclosure under the Freedom of
21 Information Act.

22 (d) As used in this Section, "hotline" means a toll-free
23 telephone with voicemail capabilities and an Internet website
24 through which persons may report instances of racial
25 discrimination and harassment.

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 5 ILCS 100/5-45 from Ch. 127, par. 1005-45

5 5 ILCS 430/5-5

6 5 ILCS 430/5-10.10 new

7 5 ILCS 430/5-70 new

8 5 ILCS 430/50-5

9 5 ILCS 430/70-5

10 15 ILCS 305/14

11 25 ILCS 170/4.8 new

12 25 ILCS 170/5

13 25 ILCS 170/10 from Ch. 63, par. 180

14 775 ILCS 5/2-108 new