



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### HB4861

Introduced 1/27/2022, by Rep. Joe Sosnowski

#### SYNOPSIS AS INTRODUCED:

5 ILCS 100/5-45.21 new	
15 ILCS 305/5	from Ch. 124, par. 5
20 ILCS 5/5-125	was 20 ILCS 5/5.13i
20 ILCS 5/5-213 new	
20 ILCS 5/5-540	was 20 ILCS 5/6.28 and 5/7.01
20 ILCS 1005/1005-7 new	
20 ILCS 1005/1005-115	was 20 ILCS 1005/43a.10
20 ILCS 1005/1005-155	

Amends the Departments of State Government Law of the Civil Administrative Code of Illinois. Provides that beginning July 1, 2023, the Director of Employment Security shall be appointed by the Secretary of State. Provides further related appointments of the Secretary of State. Amends the Department of Employment Security Law of the Civil Administrative Code of Illinois. Provides that upon the appointment of a Director of Employment Security by the Secretary of State, the Department of Employment Security shall be a department under the jurisdiction of the Office of the Secretary of State. Allows the Secretary of State to establish a transition committee concerning the Department of Employment Security. Requires the Office of the Governor to coordinate with the Secretary of State concerning the Department of Employment Security. Amends the Secretary of State Act. Modifies the duties of the Secretary of State to include the appointment of and jurisdiction over the Director and Department of Employment Security, and related duties. Provides for the adoption of rules, including emergency rules. Makes conforming changes.

LRB102 24080 RJF 33301 b

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 Illinois Administrative Procedure Act is  
5 amended by adding Section 5-45.21 as follows:

6 (5 ILCS 100/5-45.21 new)

7 Sec. 5-45.21. Emergency rulemaking; Secretary of State  
8 employment security transition. To provide for the expeditious  
9 and timely implementation of the provisions of this amendatory  
10 Act of the 102nd General Assembly and any duties of the  
11 Secretary of State as required under such provisions regarding  
12 jurisdiction over the Department of Employment Security,  
13 emergency rules implementing the changes made by this  
14 amendatory Act of the 102nd General Assembly may be adopted by  
15 the Secretary in accordance with Section 5-45. The adoption of  
16 emergency rules authorized by Section 5-45 and this Section is  
17 deemed to be necessary for the public interest, safety, and  
18 welfare.

19 This Section is repealed 2 years after the effective date  
20 of this amendatory Act of the 102nd General Assembly.

21 Section 10. The Secretary of State Act is amended by  
22 changing Section 5 as follows:

1 (15 ILCS 305/5) (from Ch. 124, par. 5)

2 Sec. 5. It shall be the duty of the Secretary of State:

3 1. To countersign and affix the seal of state to all  
4 commissions required by law to be issued by the Governor.

5 2. To make a register of all appointments by the  
6 Governor, specifying the person appointed, the office  
7 conferred, the date of the appointment, the date when bond  
8 or oath is taken and the date filed. If Senate  
9 confirmation is required, the date of the confirmation  
10 shall be included in the register.

11 3. To make proper indexes to public acts, resolutions,  
12 papers and documents in the Secretary's office.

13 3-a. To review all rules of all State agencies adopted  
14 in compliance with the codification system prescribed by  
15 the Secretary. The review shall be for the purposes and  
16 include all the powers and duties provided in the Illinois  
17 Administrative Procedure Act. The Secretary of State shall  
18 cooperate with the Legislative Information System to  
19 insure the accuracy of the text of the rules maintained  
20 under the Legislative Information System Act.

21 4. To give any person requiring the same paying the  
22 lawful fees therefor, a copy of any law, act, resolution,  
23 record or paper in the Secretary's office, and attach  
24 thereto the Secretary's certificate, under the seal of the  
25 state.

1           5. To take charge of and preserve from waste, and keep  
2           in repair, the houses, lots, grounds and appurtenances,  
3           situated in the City of Springfield, and belonging to or  
4           occupied by the State, the care of which is not otherwise  
5           provided for by law, and to take charge of and preserve  
6           from waste, and keep in repair, the houses, lots, grounds  
7           and appurtenances, situated in the State outside the City  
8           of Springfield where such houses, lots, grounds and  
9           appurtenances are occupied by the Secretary of State and  
10          no other State officer or agency.

11          6. To supervise the distribution of the laws.

12          7. To perform such other duties as may be required by  
13          law. The Secretary of State may, within appropriations  
14          authorized by the General Assembly, maintain offices in  
15          the State Capital and in such other places in the State as  
16          the Secretary may deem necessary to properly carry out the  
17          powers and duties vested in the Secretary by law.

18          8. In addition to all other authority granted to the  
19          Secretary by law, subject to appropriation, to make grants  
20          or otherwise provide assistance to, among others without  
21          limitation, units of local government, school districts,  
22          educational institutions, private agencies,  
23          not-for-profit organizations, and for-profit entities for  
24          the health, safety, and welfare of Illinois residents for  
25          purposes related to education, transportation,  
26          construction, capital improvements, social services, and

1 any other lawful public purpose. Upon request of the  
2 Secretary, all State agencies are mandated to provide the  
3 Secretary with assistance in administering the grants.

4 9. To notify the Auditor General of any Public Act  
5 filed with the Office of the Secretary of State making an  
6 appropriation or transfer of funds from the State  
7 treasury. This paragraph (9) applies only through June 30,  
8 2015.

9 10. To accept service of process only in those  
10 specifically mandated areas of the law and as determined  
11 by the General Assembly. The Secretary of State is not the  
12 default agent for service of process in the State of  
13 Illinois.

14 11. To appoint the Director of Employment Security and  
15 have jurisdiction over the Department of Employment  
16 Security as provided under Section 5-213 of the  
17 Departments of State Government Law of the Civil  
18 Administrative Code of Illinois, and all other related  
19 duties.

20 (Source: P.A. 102-591, eff. 1-1-22.)

21 Section 15. The Civil Administrative Code of Illinois is  
22 amended by changing Sections 5-125 and 5-540 and by adding  
23 Section 5-213 as follows:

24 (20 ILCS 5/5-125) (was 20 ILCS 5/5.13i)

1           Sec. 5-125. In the Department of Employment Security. The  
2 board of review, which shall consist of 5 members, 2 of whom  
3 shall be representatives of a labor organization recognized  
4 under the National Labor Relations Act, 2 of whom shall be  
5 representative citizens chosen from the employing class, and  
6 one of whom shall be a representative citizen not identified  
7 with either the employing class or a labor organization.

8           Beginning July 1, 2023, the Secretary of State shall  
9 appoint the board of review as provided in this Section, and  
10 the board of review shall thereafter be under the jurisdiction  
11 of the Secretary of State and otherwise under the direction,  
12 supervision, and control of the Director of Employment  
13 Security.

14           (Source: P.A. 101-384, eff. 1-1-20.)

15           (20 ILCS 5/5-213 new)

16           Sec. 5-213. Director of Employment Security. Beginning  
17 July 1, 2023, the Director of Employment Security shall be  
18 appointed by the Secretary of State, and the Department of  
19 Employment Security shall thereafter be a department under the  
20 jurisdiction of the Office of the Secretary of State. The  
21 Director of Employment Security shall possess all  
22 qualifications as prescribed by the Secretary of State.

23           (20 ILCS 5/5-540) (was 20 ILCS 5/6.28 and 5/7.01)

24           Sec. 5-540. In the Department of Employment Security. An

1 Employment Security Advisory Board, composed of 12 persons. Of  
2 the 12 members of the Employment Security Advisory Board, 4  
3 members shall be chosen from a labor organization recognized  
4 under the National Labor Relations Act, 4 members shall be  
5 representative citizens chosen from the employing class, and 4  
6 members shall be representative citizens not identified with  
7 either the employing class or a labor organization.

8 Beginning July 1, 2023, the Secretary of State shall  
9 appoint the Employment Security Advisory Board as provided in  
10 this Section, and the Advisory Board shall thereafter be under  
11 the jurisdiction of the Secretary of State and otherwise under  
12 the direction, supervision, and control of the Director of  
13 Employment Security.

14 (Source: P.A. 101-384, eff. 1-1-20.)

15 Section 20. The Department of Employment Security Law of  
16 the Civil Administrative Code of Illinois is amended by  
17 changing Sections 1005-115 and 1005-155 and by adding Section  
18 1005-7 as follows:

19 (20 ILCS 1005/1005-7 new)

20 Sec. 1005-7. Secretary of State jurisdiction.

21 (a) Upon the appointment of a Director of Employment  
22 Security by the Secretary of State as provided under Section  
23 5-213 of the Departments of State Government Law of the Civil  
24 Administrative Code of Illinois, the Department of Employment

1 Security shall be a department under the jurisdiction of the  
2 Office of the Secretary of State.

3 (b) To aid in this jurisdictional transition, the  
4 Secretary of State may establish a transition committee for a  
5 2-year duration to be appointed as prescribed by the Secretary  
6 of State. The committee shall study statutory and  
7 administrative changes related to this jurisdictional  
8 transition and make recommendations to the Secretary of State.

9 (c) The Secretary of State may adopt rules, including  
10 emergency rules, necessary to administer the Department of  
11 Employment Security as a department under the jurisdiction of  
12 the Office of the Secretary of State.

13 (d) The Office of the Governor shall coordinate with the  
14 Secretary of State as necessary to ensure the transition as  
15 provided under this Section.

16 (20 ILCS 1005/1005-115) (was 20 ILCS 1005/43a.10)

17 Sec. 1005-115. Transfer of lands to other State agency;  
18 acquisition of federal lands. The Department has the power to  
19 transfer jurisdiction of any realty under the control of the  
20 Department to any other department of the State government or  
21 to acquire or accept federal lands when the transfer,  
22 acquisition, or acceptance is advantageous to the State and is  
23 approved in writing by the Secretary of State ~~Governor~~.

24 (Source: P.A. 91-239, eff. 1-1-00.)



1 (20 ILCS 1005/1005-155)

2 Sec. 1005-155. Illinois worknet Centers report. The  
3 Department of Employment Security, or the State agency  
4 responsible for the oversight of the federal Workforce  
5 Innovation and Opportunity Act if that agency is not the  
6 Department of Employment Security, shall prepare a report for  
7 the Secretary of State ~~Governor~~ and the General Assembly  
8 regarding the progress of the Illinois Employment and Training  
9 Centers in serving individuals with disabilities. The report  
10 must include, but is not limited to, the following: (i) the  
11 number of individuals referred to the Illinois Employment and  
12 Training Centers by the Department of Human Services Office of  
13 Rehabilitation Services; (ii) the total number of individuals  
14 with disabilities served by the Illinois Employment and  
15 Training Centers; (iii) the number of individuals with  
16 disabilities served in federal Workforce Innovation and  
17 Opportunity Act employment and training programs; (iv) the  
18 number of individuals with disabilities annually placed in  
19 jobs by the Illinois Employment and Training Centers; and (v)  
20 the number of individuals with disabilities referred by the  
21 Illinois Employment and Training Centers to the Department of  
22 Human Services Office of Rehabilitation Services. The report  
23 is due by December 31, 2004 based on the previous State program  
24 year of July 1 through June 30, and is due annually thereafter.  
25 "Individuals with disabilities" are defined as those who  
26 self-report as being qualified as disabled under the 1973

1 Rehabilitation Act or the 1990 Americans with Disabilities  
2 Act, for the purposes of this Law.

3 (Source: P.A. 99-143, eff. 7-27-15; 100-477, eff. 9-8-17.)