

1 AN ACT concerning regulation.

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

4 Section 5. The Commission on Equity and Inclusion Act is  
5 amended by changing Section 40-10 as follows:

6 (30 ILCS 574/40-10)

7 Sec. 40-10. Powers and duties. In addition to the other  
8 powers and duties which may be prescribed in this Act or  
9 elsewhere, the Commission shall have the following powers and  
10 duties:

11 (1) The Commission shall have a role in all State and  
12 university procurement by facilitating and streamlining  
13 communications between the Business Enterprise Council for  
14 Minorities, Women, and Persons with Disabilities, the  
15 purchasing entities, the Chief Procurement Officers, and  
16 others.

17 (2) The Commission may create a scoring evaluation for  
18 State agency directors, public university presidents and  
19 chancellors, and public community college presidents. The  
20 scoring shall be based on the following 3 principles: (i)  
21 increasing capacity; (ii) growing revenue; and (iii)  
22 enhancing credentials. These principles should be the  
23 foundation of the agency compliance plan required under

1 Section 6 of the Business Enterprise for Minorities,  
2 Women, and Persons with Disabilities Act.

3 (3) The Commission shall exercise the authority and  
4 duties provided to it under Section 5-7 of the Illinois  
5 Procurement Code.

6 (4) The Commission, working with State agencies, shall  
7 provide support for diversity in State hiring.

8 (5) The Commission shall oversee the implementation of  
9 diversity training of the State workforce.

10 (6) Each January, and as otherwise frequently as may  
11 be deemed necessary and appropriate by the Commission, the  
12 Commission shall propose and submit to the Governor and  
13 the General Assembly legislative changes to increase  
14 inclusion and diversity in State government.

15 (7) The Commission shall have oversight over the  
16 following entities:

17 (A) the Illinois African-American Family  
18 Commission;

19 (B) the Illinois Latino Family Commission;

20 (C) the Asian American Family Commission;

21 (D) the Illinois Muslim American Advisory Council;

22 (E) the Illinois African-American Fair Contracting  
23 Commission created under Executive Order 2018-07; and

24 (F) the Business Enterprise Council for  
25 Minorities, Women, and Persons with Disabilities.

26 (8) The Commission shall adopt any rules necessary for

1 the implementation and administration of the requirements  
2 of this Act.

3 (9) The Commission shall exercise the authority and  
4 duties provided to it under Section 45-57 of the Illinois  
5 Procurement Code.

6 (10) The Commission is responsible for completing  
7 studies as required by Section 35-15 of the Illinois  
8 Community Reinvestment Act.

9 (Source: P.A. 101-657, eff. 1-1-22; 102-29, eff. 6-25-21;  
10 102-671, eff. 11-30-21.)

11 Section 10. The Illinois Community Reinvestment Act is  
12 amended by changing Sections 35-5 and 35-15 as follows:

13 (205 ILCS 735/35-5)

14 Sec. 35-5. Definitions. As used in this Act:

15 "Commission" means the Commission on Equity and Inclusion.

16 "Covered financial institution" means a bank chartered  
17 under the Illinois Banking Act, a savings bank chartered under  
18 the Illinois Savings Bank Act, a credit union incorporated  
19 under the Illinois Credit Union Act, an entity licensed under  
20 the Illinois Residential Mortgage License Act of 1987 which  
21 lent or originated 50 or more residential mortgage loans in  
22 the previous calendar year, and any other financial  
23 institution under the jurisdiction of the Department as  
24 designated by rule by the Secretary.

1 "Department" means the Department of Financial and  
2 Professional Regulation.

3 "Division of Banking" means the Division of Banking within  
4 the Department.

5 "Division of Financial Institutions" means the Division of  
6 Financial Institutions within the Department.

7 "Secretary" means the Secretary of Financial and  
8 Professional Regulation, or his or her designee, including the  
9 Director of the Division of Banking or the Director of the  
10 Division of Financial Institutions.

11 (Source: P.A. 101-657, eff. 3-23-21.)

12 (205 ILCS 735/35-15)

13 Sec. 35-15. Examinations.

14 (a) The Secretary shall have the authority to examine each  
15 covered financial institution for compliance with this Act, in  
16 consultation with State and federal regulators with an  
17 appropriate regulatory interest, for and in compliance with  
18 applicable State and federal fair lending laws, including, but  
19 not limited to, the Illinois Human Rights Act, the federal  
20 Equal Credit Opportunity Act, and the federal Home Mortgage  
21 Disclosure Act, as often as the Secretary deems necessary and  
22 proper. The Secretary may adopt rules with respect to the  
23 frequency and manner of examination including the imposition  
24 of examination fees. The Secretary shall appoint a suitable  
25 person to perform such examination. The Secretary and his or

1 her appointees may examine the entire books, records,  
2 documents, and operations of each covered financial  
3 institution, its parent company, and its subsidiaries,  
4 affiliates, or agents, and may examine any of the covered  
5 financial institution's, its parent company's or its  
6 subsidiaries', affiliates', or agents' officers, directors,  
7 employees, and agents under oath. Any document or record  
8 prepared or obtained in connection with or relating to any  
9 such examination, and any record prepared or obtained by the  
10 Secretary to the extent that the record summarizes or contains  
11 information derived from any document or record described in  
12 this subsection (a), shall not be disclosed to the public  
13 unless otherwise provided by this Act.

14 (b) Upon the completion of the examination of a covered  
15 financial institution under this Section, the Secretary shall  
16 prepare a written evaluation of the covered financial  
17 institution's record of performance relative to this Act. Each  
18 written evaluation required under this subsection (b) shall  
19 have a public section, which shall include no less information  
20 than would be disclosed in a written evaluation under the  
21 federal Community Reinvestment Act, and a confidential  
22 section. The Secretary shall give the covered financial  
23 institution an opportunity to comment on the evaluation, and  
24 then shall make the public section of the written evaluation  
25 open to public inspection upon request. The written evaluation  
26 shall include, but is not limited to:

1 (1) the assessment factors utilized to determine the  
2 covered financial institution's descriptive rating;

3 (2) the Secretary's conclusions with respect to each  
4 such assessment factor;

5 (3) a discussion of the facts supporting such  
6 conclusions;

7 (4) the covered financial institution's descriptive  
8 rating and the basis therefor; and

9 (5) a summary of public comments.

10 (c) Based upon the examination, the covered financial  
11 institution shall be assigned one of the following ratings:

12 (1) outstanding record of performance in meeting its  
13 community financial services needs;

14 (2) satisfactory record of performance in meeting its  
15 community financial services needs;

16 (3) needs to improve record of performance in meeting  
17 its community services needs; or

18 (4) substantial noncompliance in meeting its community  
19 financial services needs.

20 (d) Notwithstanding the foregoing provisions of this  
21 Section, the Secretary may establish an alternative  
22 examination procedure for any covered financial institution,  
23 which, as of the most recent examination, has been assigned a  
24 rating of outstanding or satisfactory for its record of  
25 performance in meeting its community financial services needs.

26 (e) The Commission shall conduct studies to:

1           (1) identify and delineate geographies in Illinois  
2           exhibiting significant disparities by protected classes as  
3           identified by the Human Rights Act with respect to:

4                   (A) access to financial products or services,  
5                   including, but not limited to, physical branches of  
6                   covered financial institutions; and

7                   (B) lending and investments by covered financial  
8                   institutions;

9           (2) identify policies, procedures, patterns, or  
10           practices that have or may have a disparate impact or  
11           discriminatory effect; and

12           (3) identify opportunities for establishing and  
13           growing Banking Development Districts in geographic  
14           locations where there are the greatest underbanked and  
15           unbanked populations and opportunities for partnerships  
16           between depository institutions and local communities.

17           (f) The Secretary may implement the findings and other  
18           results from such studies into the examination process through  
19           rules adopted in accordance with the Illinois Administrative  
20           Procedure Act.

21           (g) Any costs incurred by the Commission in conducting  
22           such studies shall be subject to appropriation and not funded  
23           by the examination fees paid by covered financial institutions  
24           under subsection (a).

25           (h) The Commission shall provide reports of its findings  
26           and shall furnish copies of the reports to the General

1 Assembly and the Secretary.

2 (i) The results of every study performed under this Act  
3 shall be publicly available on the websites of the Commission  
4 and the Department.

5 (j) The Commission may contract with a qualified person or  
6 entity to design and conduct the studies authorized under  
7 subsection (e).

8 (Source: P.A. 101-657, eff. 3-23-21.)

9 Section 99. Effective date. This Act takes effect January  
10 1, 2025.