



Sen. Christopher Belt

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1 AMENDMENT TO SENATE BILL 3235

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3235 by replacing  
3 everything after the enacting clause with the following:

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.

1           (2) The Commission may create a scoring evaluation for  
2 State agency directors, public university presidents and  
3 chancellors, and public community college presidents. The  
4 scoring shall be based on the following 3 principles: (i)  
5 increasing capacity; (ii) growing revenue; and (iii)  
6 enhancing credentials. These principles should be the  
7 foundation of the agency compliance plan required under  
8 Section 6 of the Business Enterprise for Minorities,  
9 Women, and Persons with Disabilities Act.

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

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

15           (5) The Commission shall oversee the implementation of  
16 diversity training of the State workforce.

17           (6) Each January, and as otherwise frequently as may  
18 be deemed necessary and appropriate by the Commission, the  
19 Commission shall propose and submit to the Governor and  
20 the General Assembly legislative changes to increase  
21 inclusion and diversity in State government.

22           (7) The Commission shall have oversight over the  
23 following entities:

24                   (A) the Illinois African-American Family  
25 Commission;

26                   (B) the Illinois Latino Family Commission;

1 (C) the Asian American Family Commission;  
2 (D) the Illinois Muslim American Advisory Council;  
3 (E) the Illinois African-American Fair Contracting  
4 Commission created under Executive Order 2018-07; and  
5 (F) the Business Enterprise Council for  
6 Minorities, Women, and Persons with Disabilities.

7 (8) The Commission shall adopt any rules necessary for  
8 the implementation and administration of the requirements  
9 of this Act.

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

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

16 (Source: P.A. 101-657, eff. 1-1-22; 102-29, eff. 6-25-21;  
17 102-671, eff. 11-30-21.)

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

20 (205 ILCS 735/35-5)

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

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

23 "Covered financial institution" means a bank chartered  
24 under the Illinois Banking Act, a savings bank chartered under

1 the Illinois Savings Bank Act, a credit union incorporated  
2 under the Illinois Credit Union Act, an entity licensed under  
3 the Illinois Residential Mortgage License Act of 1987 which  
4 lent or originated 50 or more residential mortgage loans in  
5 the previous calendar year, and any other financial  
6 institution under the jurisdiction of the Department as  
7 designated by rule by the Secretary.

8 "Department" means the Department of Financial and  
9 Professional Regulation.

10 "Division of Banking" means the Division of Banking within  
11 the Department.

12 "Division of Financial Institutions" means the Division of  
13 Financial Institutions within the Department.

14 "Protected characteristic" means any basis for which  
15 discrimination is prohibited by law, including, but not  
16 limited to, under the Illinois Human Rights Act, for which a  
17 covered financial institution is examined for compliance under  
18 this Act. "Protected characteristic" includes race, color,  
19 religion, national origin, ancestry, age, sex, marital status,  
20 order of protection status, disability, military status,  
21 sexual orientation, pregnancy, or unfavorable discharge from  
22 military service.

23 "Secretary" means the Secretary of Financial and  
24 Professional Regulation, or his or her designee, including the  
25 Director of the Division of Banking or the Director of the  
26 Division of Financial Institutions.

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

2 (205 ILCS 735/35-15)

3 Sec. 35-15. Examinations.

4 (a) The Secretary shall have the authority to examine each  
5 covered financial institution for compliance with this Act, in  
6 consultation with State and federal regulators with an  
7 appropriate regulatory interest, for and in compliance with  
8 applicable State and federal fair lending laws, including, but  
9 not limited to, the Illinois Human Rights Act, the federal  
10 Equal Credit Opportunity Act, and the federal Home Mortgage  
11 Disclosure Act, as often as the Secretary deems necessary and  
12 proper. The Secretary may adopt rules with respect to the  
13 frequency and manner of examination including the imposition  
14 of examination fees. The Secretary shall appoint a suitable  
15 person to perform such examination. The Secretary and his or  
16 her appointees may examine the entire books, records,  
17 documents, and operations of each covered financial  
18 institution, its parent company, and its subsidiaries,  
19 affiliates, or agents, and may examine any of the covered  
20 financial institution's, its parent company's or its  
21 subsidiaries', affiliates', or agents' officers, directors,  
22 employees, and agents under oath. Any document or record  
23 prepared or obtained in connection with or relating to any  
24 such examination, and any record prepared or obtained by the  
25 Secretary to the extent that the record summarizes or contains

1 information derived from any document or record described in  
2 this subsection (a), shall not be disclosed to the public  
3 unless otherwise provided by this Act.

4 (b) Upon the completion of the examination of a covered  
5 financial institution under this Section, the Secretary shall  
6 prepare a written evaluation of the covered financial  
7 institution's record of performance relative to this Act. Each  
8 written evaluation required under this subsection (b) shall  
9 have a public section, which shall include no less information  
10 than would be disclosed in a written evaluation under the  
11 federal Community Reinvestment Act, and a confidential  
12 section. The Secretary shall give the covered financial  
13 institution an opportunity to comment on the evaluation, and  
14 then shall make the public section of the written evaluation  
15 open to public inspection upon request. The written evaluation  
16 shall include, but is not limited to:

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

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

21 (3) a discussion of the facts supporting such  
22 conclusions;

23 (4) the covered financial institution's descriptive  
24 rating and the basis therefor; and

25 (5) a summary of public comments.

26 (c) Based upon the examination, the covered financial

1 institution shall be assigned one of the following ratings:

2 (1) outstanding record of performance in meeting its  
3 community financial services needs;

4 (2) satisfactory record of performance in meeting its  
5 community financial services needs;

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

8 (4) substantial noncompliance in meeting its community  
9 financial services needs.

10 (d) Notwithstanding the foregoing provisions of this  
11 Section, the Secretary may establish an alternative  
12 examination procedure for any covered financial institution,  
13 which, as of the most recent examination, has been assigned a  
14 rating of outstanding or satisfactory for its record of  
15 performance in meeting its community financial services needs.

16 (e) The Commission, subject to appropriation, shall retain  
17 qualified persons to design and conduct one or more disparity  
18 studies to prepare and report findings and conclusions to the  
19 members of the Commission and the Secretary to:

20 (1) identify and delineate geographies in Illinois  
21 exhibiting significant disparities by protected  
22 characteristics with respect to:

23 (A) access to financial products or services,  
24 including, but not limited to, physical branches of  
25 covered financial institutions; and

26 (B) lending and investments by covered financial

1           institutions; and

2           (2) identify policies, procedures, patterns, or  
3           practices that have or may have disparate impact or  
4           discriminatory effects.

5           (f) The Commission shall consult with the Secretary in the  
6           design, implementation, and dissemination of the disparity  
7           studies, as well as for any other purpose deemed necessary by  
8           the Commission and Secretary, to ensure that the disparity  
9           studies are aligned with the purposes of this Act.

10          (g) The Secretary shall implement the findings,  
11          conclusions, and other results from the study into the  
12          examination process through rules adopted in accordance with  
13          the Illinois Administrative Procedure Act.

14          (h) The Commission shall update the disparity studies at  
15          least every 5 years, but may require it to be updated more  
16          frequently at the Commission's discretion.

17          (i) The results of every disparity study performed under  
18          this Act shall be publicly available on the websites of the  
19          Commission and the Department.

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

21                 Section 99. Effective date. This Act takes effect upon  
22                 becoming law."