



Rep. Michael J. Madigan

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1 AMENDMENT TO SENATE BILL 402

2 AMENDMENT NO. _____. Amend Senate Bill 402, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The State Officials and Employees Ethics Act is
6 amended by changing Sections 5-5 and 70-5 and by adding Section
7 5-65 as follows:

8 (5 ILCS 430/5-5)

9 Sec. 5-5. Personnel policies.

10 (a) Each of the following shall adopt and implement
11 personnel policies for all State employees under his, her, or
12 its jurisdiction and control: (i) each executive branch
13 constitutional officer, (ii) each legislative leader, (iii)
14 the Senate Operations Commission, with respect to legislative
15 employees under Section 4 of the General Assembly Operations
16 Act, (iv) the Speaker of the House of Representatives, with

1 respect to legislative employees under Section 5 of the General
2 Assembly Operations Act, (v) the Joint Committee on Legislative
3 Support Services, with respect to State employees of the
4 legislative support services agencies, (vi) members of the
5 General Assembly, with respect to legislative assistants, as
6 provided in Section 4 of the General Assembly Compensation Act,
7 (vii) the Auditor General, (viii) the Board of Higher
8 Education, with respect to State employees of public
9 institutions of higher learning except community colleges, and
10 (ix) the Illinois Community College Board, with respect to
11 State employees of community colleges. The Governor shall adopt
12 and implement those policies for all State employees of the
13 executive branch not under the jurisdiction and control of any
14 other executive branch constitutional officer.

15 (b) The policies required under subsection (a) shall be
16 filed with the appropriate ethics commission established under
17 this Act or, for the Auditor General, with the Office of the
18 Auditor General.

19 (c) The policies required under subsection (a) shall
20 include policies relating to work time requirements,
21 documentation of time worked, documentation for reimbursement
22 for travel on official State business, compensation, and the
23 earning or accrual of State benefits for all State employees
24 who may be eligible to receive those benefits. No later than 30
25 days after the effective date of this Amendatory Act of the
26 100th General Assembly, the policies shall include a

1 prohibition of sexual harassment, including how an individual
2 can report allegations of sexual harassment and disciplinary
3 action for violation of the policy. The policies shall comply
4 with and be consistent with all other applicable laws. The
5 policies shall require State employees to periodically submit
6 time sheets documenting the time spent each day on official
7 State business to the nearest quarter hour; contractual State
8 employees may satisfy the time sheets requirement by complying
9 with the terms of their contract, which shall provide for a
10 means of compliance with this requirement. The policies for
11 State employees shall require those time sheets to be submitted
12 on paper, electronically, or both and to be maintained in
13 either paper or electronic format by the applicable fiscal
14 office for a period of at least 2 years.

15 (d) The policies required under subsection (a) shall be
16 adopted by the applicable entity before February 1, 2004 and
17 shall apply to State employees beginning 30 days after
18 adoption.

19 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

20 (5 ILCS 430/5-65 new)

21 Sec. 5-65. Prohibition on sexual harassment.

22 (a) All persons have a right to work in an environment free
23 from sexual harassment. All persons subject to this Act shall
24 refrain from sexual harassment of any person. For purposes of
25 this Section, "sexual harassment" has the meaning provided in

1 the Illinois Human Rights Act.

2 (b) Beginning January 1, 2018, each officer, member, and
3 employee must annually complete an in person sexual harassment
4 training program conducted or approved by the appropriate
5 jurisdictional authority or his or her designee. The training
6 shall include a description of sexual harassment, utilizing
7 examples. Proof of completion must be submitted to the
8 applicable ethics officer.

9 (c) No later than 30 days after the effective date of this
10 Amendatory Act of the 100th General Assembly, each ultimate
11 jurisdictional authority shall submit to the appropriate
12 Ethics Commission a report detailing plans for compliance with
13 this Section for the coming year. No later than August 1, 2018,
14 and each August 1 thereafter, each ultimate jurisdictional
15 authority shall submit to the appropriate Ethics Commission an
16 annual report that describes training programs completed
17 during the previous year, the names of individuals that failed
18 to complete the required training program, and the plan for
19 compliance for the coming year. Each Ethics Commission shall
20 make the reports available on its website.

21 (5 ILCS 430/70-5)

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

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

1 after the effective date of this amendatory Act of the 95th
2 General Assembly, shall adopt an ordinance or resolution that
3 regulates, in a manner no less restrictive than Section 5-15
4 and Article 10 of this Act, (i) the political activities of
5 officers and employees of the governmental entity and (ii) the
6 soliciting and accepting of gifts by and the offering and
7 making of gifts to officers and employees of the governmental
8 entity. No later than 60 days after the effective date of this
9 Amendatory Act of the 100th General Assembly, each governmental
10 entity shall adopt an ordinance or resolution establishing a
11 policy to prohibit sexual harassment, including how an
12 individual can report allegations of sexual harassment and
13 disciplinary action for violation of the policy. For purposes
14 of this Section, "sexual harassment" has the meaning provided
15 in the Illinois Human Rights Act.

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

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

25 (Source: P.A. 95-880, eff. 8-19-08.)

1 Section 10. The Lobbyist Registration Act is amended by
2 changing Section 5 and by adding Section 4.7 as follows:

3 (25 ILCS 170/4.7 new)

4 Sec. 4.7. Prohibition on sexual harassment.

5 (a) All persons have a right to work in an environment free
6 from sexual harassment. All persons subject to this Act shall
7 refrain from sexual harassment of any person.

8 (b) Beginning January 1, 2018, each natural person required
9 to register as a lobbyist under this Act must complete, at
10 least annually, a sexual harassment training program provided
11 or approved by the Secretary of State. A natural person
12 registered under this Act must complete the training program no
13 later than 30 days after registration or renewal under this
14 Act. This requirement does not apply to a lobbying entity or a
15 client that hires a lobbyist that (i) does not have employees
16 of the lobbying entity or client registered as lobbyists, or
17 (ii) does not have an actual presence in Illinois.

18 (c) No later than January 1, 2018, each natural person and
19 any entity required to register under this Act shall have a
20 written sexual harassment policy that shall include, at a
21 minimum, the following information: (i) the illegality of
22 sexual harassment; (ii) the definition of sexual harassment;
23 (iii) a description of sexual harassment, utilizing examples;
24 (iv) the person or entity's internal process for receiving
25 complaints and the process of reviewing such complaints,

1 including any penalties or discipline for violations by
2 employees, contractors, or lobbyists; and (v) protection
3 against retaliation. A copy of the policy shall be provided to
4 the Secretary of State upon request of the Secretary or his or
5 her designee.

6 (d) For purposes of this Section, "sexual harassment" has
7 the meaning provided in the Illinois Human Rights Act.

8 (e) The Secretary of State shall adopt rules for the
9 implementation of this Section.

10 (25 ILCS 170/5)

11 Sec. 5. Lobbyist registration and disclosure. Every
12 natural person and every entity required to register under this
13 Act shall before any service is performed which requires the
14 natural person or entity to register, but in any event not
15 later than 2 business days after being employed or retained,
16 file in the Office of the Secretary of State a statement in a
17 format prescribed by the Secretary of State containing the
18 following information with respect to each person or entity
19 employing, retaining, or benefitting from the services of the
20 natural person or entity required to register:

21 (a) The registrant's name, permanent address, e-mail
22 address, if any, fax number, if any, business telephone
23 number, and temporary address, if the registrant has a
24 temporary address while lobbying.

25 (a-5) If the registrant is an entity, the information

1 required under subsection (a) for each natural person
2 associated with the registrant who will be lobbying,
3 regardless of whether lobbying is a significant part of his
4 or her duties.

5 (b) The name and address of the client or clients
6 employing or retaining the registrant to perform such
7 services or on whose behalf the registrant appears. If the
8 client employing or retaining the registrant is a client
9 registrant, the statement shall also include the name and
10 address of the client or clients of the client registrant
11 on whose behalf the registrant will be or anticipates
12 performing services.

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

16 (c-5) Each executive and legislative branch agency the
17 registrant expects to lobby during the registration
18 period.

19 (c-6) The nature of the client's business, by
20 indicating all of the following categories that apply: (1)
21 banking and financial services, (2) manufacturing, (3)
22 education, (4) environment, (5) healthcare, (6) insurance,
23 (7) community interests, (8) labor, (9) public relations or
24 advertising, (10) marketing or sales, (11) hospitality,
25 (12) engineering, (13) information or technology products
26 or services, (14) social services, (15) public utilities,

1 (16) racing or wagering, (17) real estate or construction,
2 (18) telecommunications, (19) trade or professional
3 association, (20) travel or tourism, (21) transportation,
4 (22) agriculture, and (23) other (setting forth the nature
5 of that other business).

6 (c-7) A confirmation that the registrant has a sexual
7 harassment policy as required by Section 4.7 of this Act,
8 that such policy shall be made available to any individual
9 within 2 business days upon written request (including
10 electronic requests), that any person may contact the
11 authorized agent of the registrant to report allegations of
12 sexual harassment, and that the registrant recognizes the
13 Inspector General has jurisdiction to review any
14 allegations of sexual harassment alleged against the
15 registrant or lobbyists hired by the registrant.

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

21 The Secretary of State shall make all filed statements and
22 amendments to statements publicly available by means of a
23 searchable database that is accessible through the World Wide
24 Web. The Secretary of State shall provide all software
25 necessary to comply with this provision to all natural persons
26 and entities required to file. The Secretary of State shall

1 implement a plan to provide computer access and assistance to
2 natural persons and entities required to file electronically.

3 All natural persons and entities required to register under
4 this Act shall remit a single, annual, and nonrefundable \$300
5 registration fee. Each natural person required to register
6 under this Act shall submit, on an annual basis, a picture of
7 the registrant. A registrant may, in lieu of submitting a
8 picture on an annual basis, authorize the Secretary of State to
9 use any photo identification available in any database
10 maintained by the Secretary of State for other purposes. Each
11 registration fee collected for registrations on or after
12 January 1, 2010 shall be deposited into the Lobbyist
13 Registration Administration Fund for administration and
14 enforcement of this Act.

15 (Source: P.A. 98-459, eff. 1-1-14.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."