



Rep. Michael J. Madigan

Filed: 11/6/2017

10000SB0402ham004

LRB100 04971 JWD 30605 a

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 Illinois Administrative Procedure Act is
6 amended by changing Section 5-45 as follows:

7 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

8 Sec. 5-45. Emergency rulemaking.

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

12 (b) If any agency finds that an emergency exists that
13 requires adoption of a rule upon fewer days than is required by
14 Section 5-40 and states in writing its reasons for that
15 finding, the agency may adopt an emergency rule without prior
16 notice or hearing upon filing a notice of emergency rulemaking

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

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

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

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

18 (d) In order to provide for the expeditious and timely
19 implementation of the State's fiscal year 1999 budget,
20 emergency rules to implement any provision of Public Act 90-587
21 or 90-588 or any other budget initiative for fiscal year 1999
22 may be adopted in accordance with this Section by the agency
23 charged with administering that provision or initiative,
24 except that the 24-month limitation on the adoption of
25 emergency rules and the provisions of Sections 5-115 and 5-125
26 do not apply to rules adopted under this subsection (d). The

1 adoption of emergency rules authorized by this subsection (d)
2 shall be deemed to be necessary for the public interest,
3 safety, and welfare.

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

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

1 welfare.

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

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

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

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

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

1 necessary for the public interest, safety, and welfare.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (u) In order to provide for the expeditious and timely
26 implementation of the provisions of the Burn Victims Relief

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

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

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

24 (x) In order to provide for the expeditious and timely
25 implementation of the provisions of Public Act 99-906,
26 emergency rules to implement subsection (i) of Section 16-115D,

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

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

23 (z) In order to provide for the expeditious and timely
24 implementation of the provisions of this amendatory Act of the
25 100th General Assembly, emergency rules to implement the
26 changes made by this amendatory Act of the 100th General

1 Assembly to Section 4.7 of the Lobbyist Registration Act may be
2 adopted in accordance with this subsection (z) by the Secretary
3 of State. The adoption of emergency rules authorized by this
4 subsection (z) is deemed to be necessary for the public
5 interest, safety, and welfare.

6 (Source: P.A. 99-2, eff. 3-26-15; 99-6, eff. 1-1-16; 99-143,
7 eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff. 6-30-16;
8 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906, eff. 6-1-17;
9 100-23, eff. 7-6-17.)

10 Section 10. The State Officials and Employees Ethics Act is
11 amended by changing Sections 5-5, 20-15, 25-15, 50-5, and 70-5
12 and by adding Sections 5-10.5 and 5-65 as follows:

13 (5 ILCS 430/5-5)

14 Sec. 5-5. Personnel policies.

15 (a) Each of the following shall adopt and implement
16 personnel policies for all State employees under his, her, or
17 its jurisdiction and control: (i) each executive branch
18 constitutional officer, (ii) each legislative leader, (iii)
19 the Senate Operations Commission, with respect to legislative
20 employees under Section 4 of the General Assembly Operations
21 Act, (iv) the Speaker of the House of Representatives, with
22 respect to legislative employees under Section 5 of the General
23 Assembly Operations Act, (v) the Joint Committee on Legislative
24 Support Services, with respect to State employees of the

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

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

16 (c) The policies required under subsection (a) shall
17 include policies relating to work time requirements,
18 documentation of time worked, documentation for reimbursement
19 for travel on official State business, compensation, and the
20 earning or accrual of State benefits for all State employees
21 who may be eligible to receive those benefits. No later than 30
22 days after the effective date of this amendatory Act of the
23 100th General Assembly, the policies shall include, at a
24 minimum: (i) a prohibition on sexual harassment; (ii) details
25 on how an individual can report an allegation of sexual
26 harassment, including options for making a confidential report

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

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

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

1 Sec. 5-10.5. Sexual harassment training.

2 (a) Each officer, member, and employee must complete, at
3 least annually beginning in 2018, a sexual harassment training
4 program. A person who fills a vacancy in an elective or
5 appointed position that requires training under this Section
6 must complete his or her initial sexual harassment training
7 program within 30 days after commencement of his or her office
8 or employment. The training shall include, at a minimum, the
9 following: (i) the definition, and a description, of sexual
10 harassment utilizing examples; (ii) details on how an
11 individual can report an allegation of sexual harassment,
12 including options for making a confidential report to a
13 supervisor, ethics officer, Inspector General, or the
14 Department of Human Rights; (iii) the definition, and
15 description of, retaliation for reporting sexual harassment
16 allegations utilizing examples, including availability of
17 whistleblower protections under this Act, the Whistleblower
18 Act, and the Illinois Human Rights Act; and (iv) the
19 consequences of a violation of the prohibition on sexual
20 harassment and the consequences for knowingly making a false
21 report. Proof of completion must be submitted to the applicable
22 ethics officer. Sexual harassment training programs shall be
23 overseen by the appropriate Ethics Commission and Inspector
24 General appointed under this Act.

25 (b) Each ultimate jurisdictional authority shall submit to
26 the applicable Ethics Commission, at least annually, or more

1 frequently as required by that Commission, a report that
2 summarizes the sexual harassment training program that was
3 completed during the previous year, and lays out the plan for
4 the training program in the coming year. The report shall
5 include the names of individuals that failed to complete the
6 required training program. Each Ethics Commission shall make
7 the reports available on its website.

8 (5 ILCS 430/5-65 new)

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

10 (a) All persons have a right to work in an environment free
11 from sexual harassment. All persons subject to this Act are
12 prohibited from sexually harassing any person, regardless of
13 any employment relationship or lack thereof.

14 (b) For purposes of this Act, "sexual harassment" means any
15 unwelcome sexual advances or requests for sexual favors or any
16 conduct of a sexual nature when: (i) submission to such conduct
17 is made either explicitly or implicitly a term or condition of
18 an individual's employment; (ii) submission to or rejection of
19 such conduct by an individual is used as the basis for
20 employment decisions affecting such individual; or (iii) such
21 conduct has the purpose or effect of substantially interfering
22 with an individual's work performance or creating an
23 intimidating, hostile, or offensive working environment. For
24 purposes of this definition, the phrase "working environment"
25 is not limited to a physical location an employee is assigned

1 to perform his or her duties and does not require an employment
2 relationship.

3 (5 ILCS 430/20-15)

4 Sec. 20-15. Duties of the Executive Ethics Commission. In
5 addition to duties otherwise assigned by law, the Executive
6 Ethics Commission shall have the following duties:

7 (1) To promulgate rules governing the performance of
8 its duties and the exercise of its powers and governing the
9 investigations of the Executive Inspectors General. It is
10 declared to be in the public interest, safety, and welfare
11 that the Commission adopt emergency rules under the
12 Illinois Administrative Procedure Act to initially perform
13 its duties under this subsection.

14 (2) To conduct administrative hearings and rule on
15 matters brought before the Commission only upon the receipt
16 of pleadings filed by an Executive Inspector General, or
17 upon receipt of summaries of reviews submitted by the
18 Inspector General for the Secretary of State under
19 subsection (d-5) of Section 14 of the Secretary of State
20 Act, and not upon its own prerogative, but may appoint
21 special Executive Inspectors General as provided in
22 Section 20-21. Any other allegations of misconduct
23 received by the Commission from a person other than an
24 Executive Inspector General shall be referred to the Office
25 of the appropriate Executive Inspector General.

1 (3) To prepare and publish manuals and guides and,
2 working with the Office of the Attorney General, oversee
3 training of employees under its jurisdiction that explains
4 their duties.

5 (4) To prepare public information materials to
6 facilitate compliance, implementation, and enforcement of
7 this Act.

8 (5) To submit reports as required by this Act.

9 (6) To the extent authorized by this Act, to make
10 rulings, issue recommendations, and impose administrative
11 fines, if appropriate, in connection with the
12 implementation and interpretation of this Act. The powers
13 and duties of the Commission are limited to matters clearly
14 within the purview of this Act, and include authority over
15 allegations that an individual required to be registered
16 under the Lobbyist Registration Act has committed an act of
17 sexual harassment, as set forth in any summaries of reviews
18 of such allegations submitted to the Commission by the
19 Inspector General for the Secretary of State.

20 (7) To issue subpoenas with respect to matters pending
21 before the Commission, subject to the provisions of this
22 Article and in the discretion of the Commission, to compel
23 the attendance of witnesses for purposes of testimony and
24 the production of documents and other items for inspection
25 and copying.

26 (8) To appoint special Executive Inspectors General as

1 provided in Section 20-21.

2 (9) To conspicuously display on the Commission's
3 website the procedures for reporting a violation of this
4 Act, including how to report violations via email or
5 online.

6 (Source: P.A. 93-617, eff. 12-9-03.)

7 (5 ILCS 430/25-15)

8 Sec. 25-15. Duties of the Legislative Ethics Commission. In
9 addition to duties otherwise assigned by law, the Legislative
10 Ethics Commission shall have the following duties:

11 (1) To promulgate rules governing the performance of
12 its duties and the exercise of its powers and governing the
13 investigations of the Legislative Inspector General.

14 (2) To conduct administrative hearings and rule on
15 matters brought before the Commission only upon the receipt
16 of pleadings filed by the Legislative Inspector General and
17 not upon its own prerogative, but may appoint special
18 Legislative Inspectors General as provided in Section
19 25-21. Any other allegations of misconduct received by the
20 Commission from a person other than the Legislative
21 Inspector General shall be referred to the Office of the
22 Legislative Inspector General.

23 (3) To prepare and publish manuals and guides and,
24 working with the Office of the Attorney General, oversee
25 training of employees under its jurisdiction that explains

1 their duties.

2 (4) To prepare public information materials to
3 facilitate compliance, implementation, and enforcement of
4 this Act.

5 (5) To submit reports as required by this Act.

6 (6) To the extent authorized by this Act, to make
7 rulings, issue recommendations, and impose administrative
8 fines, if appropriate, in connection with the
9 implementation and interpretation of this Act. The powers
10 and duties of the Commission are limited to matters clearly
11 within the purview of this Act.

12 (7) To issue subpoenas with respect to matters pending
13 before the Commission, subject to the provisions of this
14 Article and in the discretion of the Commission, to compel
15 the attendance of witnesses for purposes of testimony and
16 the production of documents and other items for inspection
17 and copying.

18 (8) To appoint special Legislative Inspectors General
19 as provided in Section 25-21.

20 (9) To conspicuously display on the Commission's
21 website the procedures for reporting a violation of this
22 Act, including how to report violations via email or
23 online.

24 (Source: P.A. 93-617, eff. 12-9-03.)

25 (5 ILCS 430/50-5)

1 Sec. 50-5. Penalties.

2 (a) A person is guilty of a Class A misdemeanor if that
3 person intentionally violates any provision of Section 5-15,
4 5-30, 5-40, or 5-45 or Article 15.

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

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

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

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

20 (e) An ethics commission may levy an administrative fine of
21 up to \$5,000 against any person who violates this Act, who
22 intentionally obstructs or interferes with an investigation
23 conducted under this Act by an inspector general, or who
24 intentionally makes a false, frivolous, or bad faith
25 allegation.

26 (f) In addition to any other penalty that may apply,

1 whether criminal or civil, a State employee who intentionally
2 violates any provision of Section 5-5, 5-15, 5-20, 5-30, 5-35,
3 5-45, or 5-50, Article 10, Article 15, or Section 20-90 or
4 25-90 is subject to discipline or discharge by the appropriate
5 ultimate jurisdictional authority.

6 (g) Any person who violates Section 5-65 is subject to a
7 fine of up to \$5,000 per offense, and is subject to discipline
8 or discharge by the appropriate ultimate jurisdictional
9 authority. Each violation of Section 5-65 is a separate
10 offense. Any penalty imposed by an ethics commission shall be
11 separate and distinct from any fines or penalties imposed by a
12 court of law or a State or federal agency.

13 (h) Any person who violates Section 4.7 or paragraph (d) of
14 Section 5 of the Lobbyist Registration Act is guilty of a
15 business offense and shall be subject to a fine of up to
16 \$5,000. Any penalty imposed by an ethics commission shall be
17 separate and distinct from any fines or penalties imposed by a
18 court of law or by the Secretary of State under the Lobbyist
19 Registration Act.

20 (Source: P.A. 96-555, eff. 8-18-09.)

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 unit shall adopt an ordinance or resolution establishing a
11 policy to prohibit sexual harassment. The policy shall include,
12 at a minimum: (i) a prohibition on sexual harassment; (ii)
13 details 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.

23 (b) Within 3 months after the effective date of this
24 amendatory Act of the 93rd General Assembly, the Attorney
25 General shall develop model ordinances and resolutions for the
26 purpose of this Article. The Attorney General shall advise

1 governmental entities on their contents and adoption.

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

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

7 Section 15. The Secretary of State Act is amended by
8 changing Section 14 as follows:

9 (15 ILCS 305/14)

10 Sec. 14. Inspector General.

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

1 interim Inspector General whose term shall expire 2 weeks after
2 the next regularly scheduled session day of the Senate.

3 (b) The Inspector General shall have the following
4 qualifications:

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

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

9 (3) has either (A) 5 or more years of service with a
10 federal, State, or local law enforcement agency, at least 2
11 years of which have been in a progressive investigatory
12 capacity; (B) 5 or more years of service as a federal,
13 State, or local prosecutor; or (C) 5 or more years of
14 service as a senior manager or executive of a federal,
15 State, or local agency.

16 (c) The Inspector General may review, coordinate, and
17 recommend methods and procedures to increase the integrity of
18 the Office of the Secretary of State. The duties of the
19 Inspector General shall supplement and not supplant the duties
20 of the Chief Auditor for the Secretary of State's Office or any
21 other Inspector General that may be authorized by law. The
22 Inspector General must report directly to the Secretary of
23 State.

24 (d) In addition to the authority otherwise provided by this
25 Section, but only when investigating the Office of the
26 Secretary of State, its employees, or their actions for fraud,

1 corruption, mismanagement, gross or aggravated misconduct, or
2 misconduct that may be criminal in nature, the Inspector
3 General is authorized:

4 (1) To have access to all records, reports, audits,
5 reviews, documents, papers, recommendations, or other
6 materials available that relate to programs and operations
7 with respect to which the Inspector General has
8 responsibilities under this Section.

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

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

17 (4) To require by subpoena the appearance of witnesses
18 and the production of all information, documents, reports,
19 answers, records, accounts, papers, and other data and
20 documentary evidence necessary in the performance of the
21 functions assigned by this Section, with the exception of
22 subsection (c) and with the exception of records of a labor
23 organization authorized and recognized under the Illinois
24 Public Labor Relations Act to be the exclusive bargaining
25 representative of employees of the Secretary of State,
26 including, but not limited to, records of representation of

1 employees and the negotiation of collective bargaining
2 agreements. A subpoena may be issued under this paragraph
3 (4) only by the Inspector General and not by members of the
4 Inspector General's staff. A person duly subpoenaed for
5 testimony, documents, or other items who neglects or
6 refuses to testify or produce documents or other items
7 under the requirements of the subpoena shall be subject to
8 punishment as may be determined by a court of competent
9 jurisdiction, unless (i) the testimony, documents, or
10 other items are covered by the attorney-client privilege or
11 any other privilege or right recognized by law or (ii) the
12 testimony, documents, or other items concern the
13 representation of employees and the negotiation of
14 collective bargaining agreements by a labor organization
15 authorized and recognized under the Illinois Public Labor
16 Relations Act to be the exclusive bargaining
17 representative of employees of the Secretary of State.
18 Nothing in this Section limits a person's right to
19 protection against self-incrimination under the Fifth
20 Amendment of the United States Constitution or Article I,
21 Section 10, of the Constitution of the State of Illinois.

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

25 (d-5) In addition to the authority otherwise provided by
26 this Section, the Secretary of State Inspector General shall

1 have jurisdiction to investigate complaints and allegations of
2 wrongdoing by any person or entity related to the Lobbyist
3 Registration Act. When investigating those complaints and
4 allegations, the Inspector General is authorized:

5 (1) To have access to all records, reports, audits,
6 reviews, documents, papers, recommendations, or other
7 materials available that relate to programs and operations
8 with respect to which the Inspector General has
9 responsibilities under this Section.

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

14 (3) To require by subpoena the appearance of witnesses
15 and the production of all information, documents, reports,
16 answers, records, accounts, papers, and other data and
17 documentary evidence necessary in the performance of the
18 functions assigned by this Section. A subpoena may be
19 issued under this paragraph (3) only by the Inspector
20 General and not by members of the Inspector General's
21 staff. A person duly subpoenaed for testimony, documents,
22 or other items who neglects or refuses to testify or
23 produce documents or other items under the requirements of
24 the subpoena shall be subject to punishment as may be
25 determined by a court of competent jurisdiction, unless the
26 testimony, documents, or other items are covered by the

1 attorney-client privilege or any other privilege or right
2 recognized by law. Nothing in this Section limits a
3 person's right to protection against self-incrimination
4 under the Fifth Amendment of the United States Constitution
5 or Section 10 of Article I of the Constitution of the State
6 of Illinois.

7 (4) To have direct and prompt access to the Secretary
8 of State for any purpose pertaining to the performance of
9 functions and responsibilities under this Section.

10 (5) As provided in subsection (d) of Section 5 of the
11 Lobbyist Registration Act, to review allegations that an
12 individual required to be registered under the Lobbyist
13 Registration Act has engaged in one or more acts of sexual
14 harassment. Upon completion of that review, the Inspector
15 General shall submit a summary of the review to the
16 Executive Ethics Commission. The Secretary shall adopt
17 rules setting forth the procedures for the review of such
18 allegations.

19 (e) The Inspector General may receive and investigate
20 complaints or information concerning the possible existence of
21 an activity constituting a violation of law, rules, or
22 regulations; mismanagement; abuse of authority; or substantial
23 and specific danger to the public health and safety. Any person
24 who knowingly files a false complaint or files a complaint with
25 reckless disregard for the truth or the falsity of the facts
26 underlying the complaint may be subject to discipline as set

1 forth in the rules of the Department of Personnel of the
2 Secretary of State or the Inspector General may refer the
3 matter to a State's Attorney or the Attorney General.

4 The Inspector General may not, after receipt of a complaint
5 or information, disclose the identity of the source without the
6 consent of the source, unless the Inspector General determines
7 that disclosure of the identity is reasonable and necessary for
8 the furtherance of the investigation.

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

17 (f) The Inspector General must adopt rules, in accordance
18 with the provisions of the Illinois Administrative Procedure
19 Act, establishing minimum requirements for initiating,
20 conducting, and completing investigations. The rules must
21 establish criteria for determining, based upon the nature of
22 the allegation, the appropriate method of investigation, which
23 may include, but is not limited to, site visits, telephone
24 contacts, personal interviews, or requests for written
25 responses. The rules must also clarify how the Office of the
26 Inspector General shall interact with other local, State, and

1 federal law enforcement investigations.

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

22 (g) On or before January 1 of each year, the Inspector
23 General shall report to the President of the Senate, the
24 Minority Leader of the Senate, the Speaker of the House of
25 Representatives, and the Minority Leader of the House of
26 Representatives on the types of investigations and the

1 activities undertaken by the Office of the Inspector General
2 during the previous calendar year.

3 (Source: P.A. 96-555, eff. 1-1-10; 96-1358, eff. 7-28-10.)

4 Section 20. The Lobbyist Registration Act is amended by
5 changing Sections 5 and 10 and by adding Section 4.7 as
6 follows:

7 (25 ILCS 170/4.7 new)

8 Sec. 4.7. Prohibition on sexual harassment.

9 (a) All persons have the right to work in an environment
10 free from sexual harassment. All persons subject to this Act
11 shall refrain from sexual harassment of any person.

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

22 (c) No later than January 1, 2018, each natural person and
23 any entity required to register under this Act shall have a
24 written sexual harassment policy that shall include, at a

1 minimum: (i) a prohibition on sexual harassment; (ii) details
2 on how an individual can report an allegation of sexual
3 harassment, including options for making a confidential report
4 to a supervisor, ethics officer, Inspector General, or the
5 Department of Human Rights; (iii) a prohibition on retaliation
6 for reporting sexual harassment allegations, including
7 availability of whistleblower protections under the State
8 Officials and Employee Ethics Act, the Whistleblower Act, and
9 the Illinois Human Rights Act; and (iv) the consequences of a
10 violation of the prohibition on sexual harassment and the
11 consequences for knowingly making a false report.

12 (d) For purposes of this Act, "sexual harassment" means any
13 unwelcome sexual advances or requests for sexual favors or any
14 conduct of a sexual nature when: (i) submission to such conduct
15 is made either explicitly or implicitly a term or condition of
16 an individual's employment; (ii) submission to or rejection of
17 such conduct by an individual is used as the basis for
18 employment decisions affecting such individual; or (iii) such
19 conduct has the purpose or effect of substantially interfering
20 with an individual's work performance or creating an
21 intimidating, hostile, or offensive working environment. For
22 the purposes of this definition, the phrase "working
23 environment" is not limited to a physical location an employee
24 is assigned to perform his or her duties and does not require
25 an employment relationship.

26 (e) The Secretary of State shall adopt rules for the

1 implementation of this Section. In order to provide for the
2 expeditious and timely implementation of this Section, the
3 Secretary of State shall adopt emergency rules under subsection
4 (z) of Section 5-45 of the Illinois Administrative Procedure
5 Act for the implementation of this Section no later than 60
6 days after the effective date of this amendatory Act of the
7 100th General Assembly.

8 (25 ILCS 170/5)

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

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

23 (a-5) If the registrant is an entity, the information
24 required under subsection (a) for each natural person
25 associated with the registrant who will be lobbying,

1 regardless of whether lobbying is a significant part of his
2 or her duties.

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

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

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

17 (c-6) The nature of the client's business, by
18 indicating all of the following categories that apply: (1)
19 banking and financial services, (2) manufacturing, (3)
20 education, (4) environment, (5) healthcare, (6) insurance,
21 (7) community interests, (8) labor, (9) public relations or
22 advertising, (10) marketing or sales, (11) hospitality,
23 (12) engineering, (13) information or technology products
24 or services, (14) social services, (15) public utilities,
25 (16) racing or wagering, (17) real estate or construction,
26 (18) telecommunications, (19) trade or professional

1 association, (20) travel or tourism, (21) transportation,
2 (22) agriculture, and (23) other (setting forth the nature
3 of that other business).

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

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

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

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

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

14 (25 ILCS 170/10) (from Ch. 63, par. 180)

15 Sec. 10. Penalties.

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

1 (a-5) A violation of Section 4.7 or paragraph (d) of
2 Section 5 shall be considered a violation of the State
3 Officials and Employees Ethics Act, subject to the jurisdiction
4 of the Executive Ethics Commission and to all penalties under
5 Section 50-5 of the State Officials and Employees Ethics Act.

6 (b) In addition to the penalties provided for in
7 subsections ~~subsection~~ (a) and (a-5) of this Section, any
8 person convicted of any violation of any provision of this Act
9 is prohibited for a period of three years from the date of such
10 conviction from lobbying.

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

17 (Source: P.A. 96-555, eff. 1-1-10.)

18 Section 25. The Illinois Human Rights Act is amended by
19 adding Section 2-107 as follows:

20 (775 ILCS 5/2-107 new)

21 Sec. 2-107. Hotline to Report Sexual Harassment.

22 (a) The Department shall, no later than 3 months after the
23 effective date of this amendatory Act of the 100th General
24 Assembly, establish and maintain a sexual harassment hotline.

1 The Department shall help persons who contact the Department
2 through the hotline find necessary resources, including
3 counseling services, and assist in the filing of sexual
4 harassment complaints with the Department or other applicable
5 agencies. The Department may recommend individual seek private
6 counsel, but shall make recommendations for legal
7 representation. The hotline shall provide the means through
8 which persons may anonymously report sexual harassment in both
9 private and public places of employment. In the case of a
10 report of sexual harassment by a person subject to Article 20
11 or 25 of the State Officials and Employees Ethics Act, the
12 Department shall, with the permission of the reporting
13 individual, report the allegations to the Executive Inspector
14 General or Legislative Inspector General for further
15 investigation.

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

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

25 (d) As used in this Section, "hotline" means a toll-free
26 telephone with voicemail capabilities and an Internet website

1 through which persons may report instances of sexual
2 harassment.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".