

1 AN ACT concerning government.

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

4 Section 5. The Illinois Administrative Procedure Act is
5 amended by changing Section 5-45 as follows:

6 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

7 Sec. 5-45. Emergency rulemaking.

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

11 (b) If any agency finds that an emergency exists that
12 requires adoption of a rule upon fewer days than is required by
13 Section 5-40 and states in writing its reasons for that
14 finding, the agency may adopt an emergency rule without prior
15 notice or hearing upon filing a notice of emergency rulemaking
16 with the Secretary of State under Section 5-70. The notice
17 shall include the text of the emergency rule and shall be
18 published in the Illinois Register. Consent orders or other
19 court orders adopting settlements negotiated by an agency may
20 be adopted under this Section. Subject to applicable
21 constitutional or statutory provisions, an emergency rule
22 becomes effective immediately upon filing under Section 5-65 or
23 at a stated date less than 10 days thereafter. The agency's

1 finding and a statement of the specific reasons for the finding
2 shall be filed with the rule. The agency shall take reasonable
3 and appropriate measures to make emergency rules known to the
4 persons who may be affected by them.

5 (c) An emergency rule may be effective for a period of not
6 longer than 150 days, but the agency's authority to adopt an
7 identical rule under Section 5-40 is not precluded. No
8 emergency rule may be adopted more than once in any 24-month
9 period, except that this limitation on the number of emergency
10 rules that may be adopted in a 24-month period does not apply
11 to (i) emergency rules that make additions to and deletions
12 from the Drug Manual under Section 5-5.16 of the Illinois
13 Public Aid Code or the generic drug formulary under Section
14 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
15 emergency rules adopted by the Pollution Control Board before
16 July 1, 1997 to implement portions of the Livestock Management
17 Facilities Act, (iii) emergency rules adopted by the Illinois
18 Department of Public Health under subsections (a) through (i)
19 of Section 2 of the Department of Public Health Act when
20 necessary to protect the public's health, (iv) emergency rules
21 adopted pursuant to subsection (n) of this Section, (v)
22 emergency rules adopted pursuant to subsection (o) of this
23 Section, or (vi) emergency rules adopted pursuant to subsection
24 (c-5) of this Section. Two or more emergency rules having
25 substantially the same purpose and effect shall be deemed to be
26 a single rule for purposes of this Section.

1 (c-5) To facilitate the maintenance of the program of group
2 health benefits provided to annuitants, survivors, and retired
3 employees under the State Employees Group Insurance Act of
4 1971, rules to alter the contributions to be paid by the State,
5 annuitants, survivors, retired employees, or any combination
6 of those entities, for that program of group health benefits,
7 shall be adopted as emergency rules. The adoption of those
8 rules shall be considered an emergency and necessary for the
9 public interest, safety, and welfare.

10 (d) In order to provide for the expeditious and timely
11 implementation of the State's fiscal year 1999 budget,
12 emergency rules to implement any provision of Public Act 90-587
13 or 90-588 or any other budget initiative for fiscal year 1999
14 may be adopted in accordance with this Section by the agency
15 charged with administering that provision or initiative,
16 except that the 24-month limitation on the adoption of
17 emergency rules and the provisions of Sections 5-115 and 5-125
18 do not apply to rules adopted under this subsection (d). The
19 adoption of emergency rules authorized by this subsection (d)
20 shall be deemed to be necessary for the public interest,
21 safety, and welfare.

22 (e) In order to provide for the expeditious and timely
23 implementation of the State's fiscal year 2000 budget,
24 emergency rules to implement any provision of Public Act 91-24
25 or any other budget initiative for fiscal year 2000 may be
26 adopted in accordance with this Section by the agency charged

1 with administering that provision or initiative, except that
2 the 24-month limitation on the adoption of emergency rules and
3 the provisions of Sections 5-115 and 5-125 do not apply to
4 rules adopted under this subsection (e). The adoption of
5 emergency rules authorized by this subsection (e) shall be
6 deemed to be necessary for the public interest, safety, and
7 welfare.

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

20 (g) In order to provide for the expeditious and timely
21 implementation of the State's fiscal year 2002 budget,
22 emergency rules to implement any provision of Public Act 92-10
23 or any other budget initiative for fiscal year 2002 may be
24 adopted in accordance with this Section by the agency charged
25 with administering that provision or initiative, except that
26 the 24-month limitation on the adoption of emergency rules and

1 the provisions of Sections 5-115 and 5-125 do not apply to
2 rules adopted under this subsection (g). The adoption of
3 emergency rules authorized by this subsection (g) shall be
4 deemed to be necessary for the public interest, safety, and
5 welfare.

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

18 (i) In order to provide for the expeditious and timely
19 implementation of the State's fiscal year 2004 budget,
20 emergency rules to implement any provision of Public Act 93-20
21 or any other budget initiative for fiscal year 2004 may be
22 adopted in accordance with this Section by the agency charged
23 with administering that provision or initiative, except that
24 the 24-month limitation on the adoption of emergency rules and
25 the provisions of Sections 5-115 and 5-125 do not apply to
26 rules adopted under this subsection (i). The adoption of

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

4 (j) In order to provide for the expeditious and timely
5 implementation of the provisions of the State's fiscal year
6 2005 budget as provided under the Fiscal Year 2005 Budget
7 Implementation (Human Services) Act, emergency rules to
8 implement any provision of the Fiscal Year 2005 Budget
9 Implementation (Human Services) Act may be adopted in
10 accordance with this Section by the agency charged with
11 administering that provision, except that the 24-month
12 limitation on the adoption of emergency rules and the
13 provisions of Sections 5-115 and 5-125 do not apply to rules
14 adopted under this subsection (j). The Department of Public Aid
15 may also adopt rules under this subsection (j) necessary to
16 administer the Illinois Public Aid Code and the Children's
17 Health Insurance Program Act. The adoption of emergency rules
18 authorized by this subsection (j) shall be deemed to be
19 necessary for the public interest, safety, and welfare.

20 (k) In order to provide for the expeditious and timely
21 implementation of the provisions of the State's fiscal year
22 2006 budget, emergency rules to implement any provision of
23 Public Act 94-48 or any other budget initiative for fiscal year
24 2006 may be adopted in accordance with this Section by the
25 agency charged with administering that provision or
26 initiative, except that the 24-month limitation on the adoption

1 of emergency rules and the provisions of Sections 5-115 and
2 5-125 do not apply to rules adopted under this subsection (k).
3 The Department of Healthcare and Family Services may also adopt
4 rules under this subsection (k) necessary to administer the
5 Illinois Public Aid Code, the Senior Citizens and Persons with
6 Disabilities Property Tax Relief Act, the Senior Citizens and
7 Disabled Persons Prescription Drug Discount Program Act (now
8 the Illinois Prescription Drug Discount Program Act), and the
9 Children's Health Insurance Program Act. The adoption of
10 emergency rules authorized by this subsection (k) shall be
11 deemed to be necessary for the public interest, safety, and
12 welfare.

13 (l) In order to provide for the expeditious and timely
14 implementation of the provisions of the State's fiscal year
15 2007 budget, the Department of Healthcare and Family Services
16 may adopt emergency rules during fiscal year 2007, including
17 rules effective July 1, 2007, in accordance with this
18 subsection to the extent necessary to administer the
19 Department's responsibilities with respect to amendments to
20 the State plans and Illinois waivers approved by the federal
21 Centers for Medicare and Medicaid Services necessitated by the
22 requirements of Title XIX and Title XXI of the federal Social
23 Security Act. The adoption of emergency rules authorized by
24 this subsection (l) shall be deemed to be necessary for the
25 public interest, safety, and welfare.

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

1 implementation of the provisions of the State's fiscal year
2 2008 budget, the Department of Healthcare and Family Services
3 may adopt emergency rules during fiscal year 2008, including
4 rules effective July 1, 2008, in accordance with this
5 subsection to the extent necessary to administer the
6 Department's responsibilities with respect to amendments to
7 the State plans and Illinois waivers approved by the federal
8 Centers for Medicare and Medicaid Services necessitated by the
9 requirements of Title XIX and Title XXI of the federal Social
10 Security Act. The adoption of emergency rules authorized by
11 this subsection (m) shall be deemed to be necessary for the
12 public interest, safety, and welfare.

13 (n) In order to provide for the expeditious and timely
14 implementation of the provisions of the State's fiscal year
15 2010 budget, emergency rules to implement any provision of
16 Public Act 96-45 or any other budget initiative authorized by
17 the 96th General Assembly for fiscal year 2010 may be adopted
18 in accordance with this Section by the agency charged with
19 administering that provision or initiative. The adoption of
20 emergency rules authorized by this subsection (n) shall be
21 deemed to be necessary for the public interest, safety, and
22 welfare. The rulemaking authority granted in this subsection
23 (n) shall apply only to rules promulgated during Fiscal Year
24 2010.

25 (o) In order to provide for the expeditious and timely
26 implementation of the provisions of the State's fiscal year

1 2011 budget, emergency rules to implement any provision of
2 Public Act 96-958 or any other budget initiative authorized by
3 the 96th General Assembly for fiscal year 2011 may be adopted
4 in accordance with this Section by the agency charged with
5 administering that provision or initiative. The adoption of
6 emergency rules authorized by this subsection (o) is deemed to
7 be necessary for the public interest, safety, and welfare. The
8 rulemaking authority granted in this subsection (o) applies
9 only to rules promulgated on or after July 1, 2010 (the
10 effective date of Public Act 96-958) through June 30, 2011.

11 (p) In order to provide for the expeditious and timely
12 implementation of the provisions of Public Act 97-689,
13 emergency rules to implement any provision of Public Act 97-689
14 may be adopted in accordance with this subsection (p) by the
15 agency charged with administering that provision or
16 initiative. The 150-day limitation of the effective period of
17 emergency rules does not apply to rules adopted under this
18 subsection (p), and the effective period may continue through
19 June 30, 2013. The 24-month limitation on the adoption of
20 emergency rules does not apply to rules adopted under this
21 subsection (p). The adoption of emergency rules authorized by
22 this subsection (p) is deemed to be necessary for the public
23 interest, safety, and welfare.

24 (q) In order to provide for the expeditious and timely
25 implementation of the provisions of Articles 7, 8, 9, 11, and
26 12 of Public Act 98-104, emergency rules to implement any

1 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
2 may be adopted in accordance with this subsection (q) by the
3 agency charged with administering that provision or
4 initiative. The 24-month limitation on the adoption of
5 emergency rules does not apply to rules adopted under this
6 subsection (q). The adoption of emergency rules authorized by
7 this subsection (q) is deemed to be necessary for the public
8 interest, safety, and welfare.

9 (r) In order to provide for the expeditious and timely
10 implementation of the provisions of Public Act 98-651,
11 emergency rules to implement Public Act 98-651 may be adopted
12 in accordance with this subsection (r) by the Department of
13 Healthcare and Family Services. The 24-month limitation on the
14 adoption of emergency rules does not apply to rules adopted
15 under this subsection (r). The adoption of emergency rules
16 authorized by this subsection (r) is deemed to be necessary for
17 the public interest, safety, and welfare.

18 (s) In order to provide for the expeditious and timely
19 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
20 the Illinois Public Aid Code, emergency rules to implement any
21 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
22 Public Aid Code may be adopted in accordance with this
23 subsection (s) by the Department of Healthcare and Family
24 Services. The rulemaking authority granted in this subsection
25 (s) shall apply only to those rules adopted prior to July 1,
26 2015. Notwithstanding any other provision of this Section, any

1 emergency rule adopted under this subsection (s) shall only
2 apply to payments made for State fiscal year 2015. The adoption
3 of emergency rules authorized by this subsection (s) is deemed
4 to be necessary for the public interest, safety, and welfare.

5 (t) In order to provide for the expeditious and timely
6 implementation of the provisions of Article II of Public Act
7 99-6, emergency rules to implement the changes made by Article
8 II of Public Act 99-6 to the Emergency Telephone System Act may
9 be adopted in accordance with this subsection (t) by the
10 Department of State Police. The rulemaking authority granted in
11 this subsection (t) shall apply only to those rules adopted
12 prior to July 1, 2016. The 24-month limitation on the adoption
13 of emergency rules does not apply to rules adopted under this
14 subsection (t). The adoption of emergency rules authorized by
15 this subsection (t) is deemed to be necessary for the public
16 interest, safety, and welfare.

17 (u) In order to provide for the expeditious and timely
18 implementation of the provisions of the Burn Victims Relief
19 Act, emergency rules to implement any provision of the Act may
20 be adopted in accordance with this subsection (u) by the
21 Department of Insurance. The rulemaking authority granted in
22 this subsection (u) shall apply only to those rules adopted
23 prior to December 31, 2015. The adoption of emergency rules
24 authorized by this subsection (u) is deemed to be necessary for
25 the public interest, safety, and welfare.

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

1 implementation of the provisions of Public Act 99-516,
2 emergency rules to implement Public Act 99-516 may be adopted
3 in accordance with this subsection (v) by the Department of
4 Healthcare and Family Services. The 24-month limitation on the
5 adoption of emergency rules does not apply to rules adopted
6 under this subsection (v). The adoption of emergency rules
7 authorized by this subsection (v) is deemed to be necessary for
8 the public interest, safety, and welfare.

9 (w) In order to provide for the expeditious and timely
10 implementation of the provisions of Public Act 99-796,
11 emergency rules to implement the changes made by Public Act
12 99-796 may be adopted in accordance with this subsection (w) by
13 the Adjutant General. The adoption of emergency rules
14 authorized by this subsection (w) is deemed to be necessary for
15 the public interest, safety, and welfare.

16 (x) In order to provide for the expeditious and timely
17 implementation of the provisions of Public Act 99-906,
18 emergency rules to implement subsection (i) of Section 16-115D,
19 subsection (g) of Section 16-128A, and subsection (a) of
20 Section 16-128B of the Public Utilities Act may be adopted in
21 accordance with this subsection (x) by the Illinois Commerce
22 Commission. The rulemaking authority granted in this
23 subsection (x) shall apply only to those rules adopted within
24 180 days after June 1, 2017 (the effective date of Public Act
25 99-906). The adoption of emergency rules authorized by this
26 subsection (x) is deemed to be necessary for the public

1 interest, safety, and welfare.

2 (y) In order to provide for the expeditious and timely
3 implementation of the provisions of this amendatory Act of the
4 100th General Assembly, emergency rules to implement the
5 changes made by this amendatory Act of the 100th General
6 Assembly to Section 4.02 of the Illinois Act on Aging, Sections
7 5.5.4 and 5-5.4i of the Illinois Public Aid Code, Section 55-30
8 of the Alcoholism and Other Drug Abuse and Dependency Act, and
9 Sections 74 and 75 of the Mental Health and Developmental
10 Disabilities Administrative Act may be adopted in accordance
11 with this subsection (y) by the respective Department. The
12 adoption of emergency rules authorized by this subsection (y)
13 is deemed to be necessary for the public interest, safety, and
14 welfare.

15 (z) In order to provide for the expeditious and timely
16 implementation of the provisions of this amendatory Act of the
17 100th General Assembly, emergency rules to implement the
18 changes made by this amendatory Act of the 100th General
19 Assembly to Section 4.7 of the Lobbyist Registration Act may be
20 adopted in accordance with this subsection (z) by the Secretary
21 of State. The adoption of emergency rules authorized by this
22 subsection (z) is deemed to be necessary for the public
23 interest, safety, and welfare.

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

1 100-23, eff. 7-6-17.)

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

5 (5 ILCS 430/5-5)

6 Sec. 5-5. Personnel policies.

7 (a) Each of the following shall adopt and implement
8 personnel policies for all State employees under his, her, or
9 its jurisdiction and control: (i) each executive branch
10 constitutional officer, (ii) each legislative leader, (iii)
11 the Senate Operations Commission, with respect to legislative
12 employees under Section 4 of the General Assembly Operations
13 Act, (iv) the Speaker of the House of Representatives, with
14 respect to legislative employees under Section 5 of the General
15 Assembly Operations Act, (v) the Joint Committee on Legislative
16 Support Services, with respect to State employees of the
17 legislative support services agencies, (vi) members of the
18 General Assembly, with respect to legislative assistants, as
19 provided in Section 4 of the General Assembly Compensation Act,
20 (vii) the Auditor General, (viii) the Board of Higher
21 Education, with respect to State employees of public
22 institutions of higher learning except community colleges, and
23 (ix) the Illinois Community College Board, with respect to
24 State employees of community colleges. The Governor shall adopt

1 and implement those policies for all State employees of the
2 executive branch not under the jurisdiction and control of any
3 other executive branch constitutional officer.

4 (b) The policies required under subsection (a) shall be
5 filed with the appropriate ethics commission established under
6 this Act or, for the Auditor General, with the Office of the
7 Auditor General.

8 (c) The policies required under subsection (a) shall
9 include policies relating to work time requirements,
10 documentation of time worked, documentation for reimbursement
11 for travel on official State business, compensation, and the
12 earning or accrual of State benefits for all State employees
13 who may be eligible to receive those benefits. No later than 30
14 days after the effective date of this amendatory Act of the
15 100th General Assembly, the policies shall include, at a
16 minimum: (i) a prohibition on sexual harassment; (ii) details
17 on how an individual can report an allegation of sexual
18 harassment, including options for making a confidential report
19 to a supervisor, ethics officer, Inspector General, or the
20 Department of Human Rights; (iii) a prohibition on retaliation
21 for reporting sexual harassment allegations, including
22 availability of whistleblower protections under this Act, the
23 Whistleblower Act, and the Illinois Human Rights Act; and (iv)
24 the consequences of a violation of the prohibition on sexual
25 harassment and the consequences for knowingly making a false
26 report. The policies shall comply with and be consistent with

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

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

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

17 (5 ILCS 430/5-10.5 new)

18 Sec. 5-10.5. Sexual harassment training.

19 (a) Each officer, member, and employee must complete, at
20 least annually beginning in 2018, a sexual harassment training
21 program. A person who fills a vacancy in an elective or
22 appointed position that requires training under this Section
23 must complete his or her initial sexual harassment training
24 program within 30 days after commencement of his or her office
25 or employment. The training shall include, at a minimum, the

1 following: (i) the definition, and a description, of sexual
2 harassment utilizing examples; (ii) details on how an
3 individual can report an allegation of sexual harassment,
4 including options for making a confidential report to a
5 supervisor, ethics officer, Inspector General, or the
6 Department of Human Rights; (iii) the definition, and
7 description of, retaliation for reporting sexual harassment
8 allegations utilizing examples, including availability of
9 whistleblower protections under this Act, the Whistleblower
10 Act, and the Illinois Human Rights Act; and (iv) the
11 consequences of a violation of the prohibition on sexual
12 harassment and the consequences for knowingly making a false
13 report. Proof of completion must be submitted to the applicable
14 ethics officer. Sexual harassment training programs shall be
15 overseen by the appropriate Ethics Commission and Inspector
16 General appointed under this Act.

17 (b) Each ultimate jurisdictional authority shall submit to
18 the applicable Ethics Commission, at least annually, or more
19 frequently as required by that Commission, a report that
20 summarizes the sexual harassment training program that was
21 completed during the previous year, and lays out the plan for
22 the training program in the coming year. The report shall
23 include the names of individuals that failed to complete the
24 required training program. Each Ethics Commission shall make
25 the reports available on its website.

1 (5 ILCS 430/5-65 new)

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

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

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

21 (5 ILCS 430/20-15)

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

25 (1) To promulgate rules governing the performance of

1 its duties and the exercise of its powers and governing the
2 investigations of the Executive Inspectors General. It is
3 declared to be in the public interest, safety, and welfare
4 that the Commission adopt emergency rules under the
5 Illinois Administrative Procedure Act to initially perform
6 its duties under this subsection.

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

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

23 (4) To prepare public information materials to
24 facilitate compliance, implementation, and enforcement of
25 this Act.

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

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

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 Executive Inspectors General as
19 provided in Section 20-21.

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 430/25-15)

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

4 (1) To promulgate rules governing the performance of
5 its duties and the exercise of its powers and governing the
6 investigations of the Legislative Inspector General.

7 (2) To conduct administrative hearings and rule on
8 matters brought before the Commission only upon the receipt
9 of pleadings filed by the Legislative Inspector General and
10 not upon its own prerogative, but may appoint special
11 Legislative Inspectors General as provided in Section
12 25-21. Any other allegations of misconduct received by the
13 Commission from a person other than the Legislative
14 Inspector General shall be referred to the Office of the
15 Legislative Inspector General.

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

20 (4) To prepare public information materials to
21 facilitate compliance, implementation, and enforcement of
22 this Act.

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

24 (6) To the extent authorized by this Act, to make
25 rulings, issue recommendations, and impose administrative
26 fines, if appropriate, in connection with the

1 implementation and interpretation of this Act. The powers
2 and duties of the Commission are limited to matters clearly
3 within the purview of this Act.

4 (7) To issue subpoenas with respect to matters pending
5 before the Commission, subject to the provisions of this
6 Article and in the discretion of the Commission, to compel
7 the attendance of witnesses for purposes of testimony and
8 the production of documents and other items for inspection
9 and copying.

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

12 (9) To conspicuously display on the Commission's
13 website the procedures for reporting a violation of this
14 Act, including how to report violations via email or
15 online.

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

17 (5 ILCS 430/50-5)

18 Sec. 50-5. Penalties.

19 (a) A person is guilty of a Class A misdemeanor if that
20 person intentionally violates any provision of Section 5-15,
21 5-30, 5-40, or 5-45 or Article 15.

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

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

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

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

12 (e) An ethics commission may levy an administrative fine of
13 up to \$5,000 against any person who violates this Act, who
14 intentionally obstructs or interferes with an investigation
15 conducted under this Act by an inspector general, or who
16 intentionally makes a false, frivolous, or bad faith
17 allegation.

18 (f) In addition to any other penalty that may apply,
19 whether criminal or civil, a State employee who intentionally
20 violates any provision of Section 5-5, 5-15, 5-20, 5-30, 5-35,
21 5-45, or 5-50, Article 10, Article 15, or Section 20-90 or
22 25-90 is subject to discipline or discharge by the appropriate
23 ultimate jurisdictional authority.

24 (g) Any person who violates Section 5-65 is subject to a
25 fine of up to \$5,000 per offense, and is subject to discipline
26 or discharge by the appropriate ultimate jurisdictional

1 authority. Each violation of Section 5-65 is a separate
2 offense. Any penalty imposed by an ethics commission shall be
3 separate and distinct from any fines or penalties imposed by a
4 court of law or a State or federal agency.

5 (h) Any person who violates Section 4.7 or paragraph (d) of
6 Section 5 of the Lobbyist Registration Act is guilty of a
7 business offense and shall be subject to a fine of up to
8 \$5,000. Any penalty imposed by an ethics commission shall be
9 separate and distinct from any fines or penalties imposed by a
10 court of law or by the Secretary of State under the Lobbyist
11 Registration Act.

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

13 (5 ILCS 430/70-5)

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

15 (a) Within 6 months after the effective date of this Act,
16 each governmental entity other than a community college
17 district, and each community college district within 6 months
18 after the effective date of this amendatory Act of the 95th
19 General Assembly, shall adopt an ordinance or resolution that
20 regulates, in a manner no less restrictive than Section 5-15
21 and Article 10 of this Act, (i) the political activities of
22 officers and employees of the governmental entity and (ii) the
23 soliciting and accepting of gifts by and the offering and
24 making of gifts to officers and employees of the governmental
25 entity. No later than 60 days after the effective date of this

1 amendatory Act of the 100th General Assembly, each governmental
2 unit shall adopt an ordinance or resolution establishing a
3 policy to prohibit sexual harassment. The policy shall include,
4 at a minimum: (i) a prohibition on sexual harassment; (ii)
5 details on how an individual can report an allegation of sexual
6 harassment, including options for making a confidential report
7 to a supervisor, ethics officer, Inspector General, or the
8 Department of Human Rights; (iii) a prohibition on retaliation
9 for reporting sexual harassment allegations, including
10 availability of whistleblower protections under this Act, the
11 Whistleblower Act, and the Illinois Human Rights Act; and (iv)
12 the consequences of a violation of the prohibition on sexual
13 harassment and the consequences for knowingly making a false
14 report.

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

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

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

25 Section 15. The Secretary of State Act is amended by

1 changing Section 14 as follows:

2 (15 ILCS 305/14)

3 Sec. 14. Inspector General.

4 (a) The Secretary of State must, with the advice and
5 consent of the Senate, appoint an Inspector General for the
6 purpose of detection, deterrence, and prevention of fraud,
7 corruption, mismanagement, gross or aggravated misconduct, or
8 misconduct that may be criminal in nature in the Office of the
9 Secretary of State. The Inspector General shall serve a 5-year
10 term. If no successor is appointed and qualified upon the
11 expiration of the Inspector General's term, the Office of
12 Inspector General is deemed vacant and the powers and duties
13 under this Section may be exercised only by an appointed and
14 qualified interim Inspector General until a successor
15 Inspector General is appointed and qualified. If the General
16 Assembly is not in session when a vacancy in the Office of
17 Inspector General occurs, the Secretary of State may appoint an
18 interim Inspector General whose term shall expire 2 weeks after
19 the next regularly scheduled session day of the Senate.

20 (b) The Inspector General shall have the following
21 qualifications:

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

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

1 (3) has either (A) 5 or more years of service with a
2 federal, State, or local law enforcement agency, at least 2
3 years of which have been in a progressive investigatory
4 capacity; (B) 5 or more years of service as a federal,
5 State, or local prosecutor; or (C) 5 or more years of
6 service as a senior manager or executive of a federal,
7 State, or local agency.

8 (c) The Inspector General may review, coordinate, and
9 recommend methods and procedures to increase the integrity of
10 the Office of the Secretary of State. The duties of the
11 Inspector General shall supplement and not supplant the duties
12 of the Chief Auditor for the Secretary of State's Office or any
13 other Inspector General that may be authorized by law. The
14 Inspector General must report directly to the Secretary of
15 State.

16 (d) In addition to the authority otherwise provided by this
17 Section, but only when investigating the Office of the
18 Secretary of State, its employees, or their actions for fraud,
19 corruption, mismanagement, gross or aggravated misconduct, or
20 misconduct that may be criminal in nature, the Inspector
21 General is authorized:

22 (1) To have access to all records, reports, audits,
23 reviews, documents, papers, recommendations, or other
24 materials available that relate to programs and operations
25 with respect to which the Inspector General has
26 responsibilities under this Section.

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

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

9 (4) To require by subpoena the appearance of witnesses
10 and the production of all information, documents, reports,
11 answers, records, accounts, papers, and other data and
12 documentary evidence necessary in the performance of the
13 functions assigned by this Section, with the exception of
14 subsection (c) and with the exception of records of a labor
15 organization authorized and recognized under the Illinois
16 Public Labor Relations Act to be the exclusive bargaining
17 representative of employees of the Secretary of State,
18 including, but not limited to, records of representation of
19 employees and the negotiation of collective bargaining
20 agreements. A subpoena may be issued under this paragraph
21 (4) only by the Inspector General and not by members of the
22 Inspector General's staff. A person duly subpoenaed for
23 testimony, documents, or other items who neglects or
24 refuses to testify or produce documents or other items
25 under the requirements of the subpoena shall be subject to
26 punishment as may be determined by a court of competent

1 jurisdiction, unless (i) the testimony, documents, or
2 other items are covered by the attorney-client privilege or
3 any other privilege or right recognized by law or (ii) the
4 testimony, documents, or other items concern the
5 representation of employees and the negotiation of
6 collective bargaining agreements by a labor organization
7 authorized and recognized under the Illinois Public Labor
8 Relations Act to be the exclusive bargaining
9 representative of employees of the Secretary of State.
10 Nothing in this Section limits a person's right to
11 protection against self-incrimination under the Fifth
12 Amendment of the United States Constitution or Article I,
13 Section 10, of the Constitution of the State of Illinois.

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

17 (d-5) In addition to the authority otherwise provided by
18 this Section, the Secretary of State Inspector General shall
19 have jurisdiction to investigate complaints and allegations of
20 wrongdoing by any person or entity related to the Lobbyist
21 Registration Act. When investigating those complaints and
22 allegations, the Inspector General is authorized:

23 (1) To have access to all records, reports, audits,
24 reviews, documents, papers, recommendations, or other
25 materials available that relate to programs and operations
26 with respect to which the Inspector General has

1 responsibilities under this Section.

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

6 (3) To require by subpoena the appearance of witnesses
7 and the production of all information, documents, reports,
8 answers, records, accounts, papers, and other data and
9 documentary evidence necessary in the performance of the
10 functions assigned by this Section. A subpoena may be
11 issued under this paragraph (3) only by the Inspector
12 General and not by members of the Inspector General's
13 staff. A person duly subpoenaed for testimony, documents,
14 or other items who neglects or refuses to testify or
15 produce documents or other items under the requirements of
16 the subpoena shall be subject to punishment as may be
17 determined by a court of competent jurisdiction, unless the
18 testimony, documents, or other items are covered by the
19 attorney-client privilege or any other privilege or right
20 recognized by law. Nothing in this Section limits a
21 person's right to protection against self-incrimination
22 under the Fifth Amendment of the United States Constitution
23 or Section 10 of Article I of the Constitution of the State
24 of Illinois.

25 (4) To have direct and prompt access to the Secretary
26 of State for any purpose pertaining to the performance of

1 functions and responsibilities under this Section.

2 (5) As provided in subsection (d) of Section 5 of the
3 Lobbyist Registration Act, to review allegations that an
4 individual required to be registered under the Lobbyist
5 Registration Act has engaged in one or more acts of sexual
6 harassment. Upon completion of that review, the Inspector
7 General shall submit a summary of the review to the
8 Executive Ethics Commission. The Secretary shall adopt
9 rules setting forth the procedures for the review of such
10 allegations.

11 (e) The Inspector General may receive and investigate
12 complaints or information concerning the possible existence of
13 an activity constituting a violation of law, rules, or
14 regulations; mismanagement; abuse of authority; or substantial
15 and specific danger to the public health and safety. Any person
16 who knowingly files a false complaint or files a complaint with
17 reckless disregard for the truth or the falsity of the facts
18 underlying the complaint may be subject to discipline as set
19 forth in the rules of the Department of Personnel of the
20 Secretary of State or the Inspector General may refer the
21 matter to a State's Attorney or the Attorney General.

22 The Inspector General may not, after receipt of a complaint
23 or information, disclose the identity of the source without the
24 consent of the source, unless the Inspector General determines
25 that disclosure of the identity is reasonable and necessary for
26 the furtherance of the investigation.

1 Any employee who has the authority to recommend or approve
2 any personnel action or to direct others to recommend or
3 approve any personnel action may not, with respect to that
4 authority, take or threaten to take any action against any
5 employee as a reprisal for making a complaint or disclosing
6 information to the Inspector General, unless the complaint was
7 made or the information disclosed with the knowledge that it
8 was false or with willful disregard for its truth or falsity.

9 (f) The Inspector General must adopt rules, in accordance
10 with the provisions of the Illinois Administrative Procedure
11 Act, establishing minimum requirements for initiating,
12 conducting, and completing investigations. The rules must
13 establish criteria for determining, based upon the nature of
14 the allegation, the appropriate method of investigation, which
15 may include, but is not limited to, site visits, telephone
16 contacts, personal interviews, or requests for written
17 responses. The rules must also clarify how the Office of the
18 Inspector General shall interact with other local, State, and
19 federal law enforcement investigations.

20 Any employee of the Secretary of State subject to
21 investigation or inquiry by the Inspector General or any agent
22 or representative of the Inspector General concerning
23 misconduct that is criminal in nature shall have the right to
24 be notified of the right to remain silent during the
25 investigation or inquiry and the right to be represented in the
26 investigation or inquiry by an attorney or a representative of

1 a labor organization that is the exclusive collective
2 bargaining representative of employees of the Secretary of
3 State. Any investigation or inquiry by the Inspector General or
4 any agent or representative of the Inspector General must be
5 conducted with an awareness of the provisions of a collective
6 bargaining agreement that applies to the employees of the
7 Secretary of State and with an awareness of the rights of the
8 employees as set forth in State and federal law and applicable
9 judicial decisions. Any recommendations for discipline or any
10 action taken against any employee by the Inspector General or
11 any representative or agent of the Inspector General must
12 comply with the provisions of the collective bargaining
13 agreement that applies to the employee.

14 (g) On or before January 1 of each year, the Inspector
15 General shall report to the President of the Senate, the
16 Minority Leader of the Senate, the Speaker of the House of
17 Representatives, and the Minority Leader of the House of
18 Representatives on the types of investigations and the
19 activities undertaken by the Office of the Inspector General
20 during the previous calendar year.

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

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

1 (25 ILCS 170/4.7 new)

2 Sec. 4.7. Prohibition on sexual harassment.

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

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

16 (c) No later than January 1, 2018, each natural person and
17 any entity required to register under this Act shall have a
18 written sexual harassment policy that shall include, at a
19 minimum: (i) a prohibition on sexual harassment; (ii) details
20 on how an individual can report an allegation of sexual
21 harassment, including options for making a confidential report
22 to a supervisor, ethics officer, Inspector General, or the
23 Department of Human Rights; (iii) a prohibition on retaliation
24 for reporting sexual harassment allegations, including
25 availability of whistleblower protections under the State
26 Officials and Employee Ethics Act, the Whistleblower Act, and

1 the Illinois Human Rights Act; and (iv) the consequences of a
2 violation of the prohibition on sexual harassment and the
3 consequences for knowingly making a false report.

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

18 (e) The Secretary of State shall adopt rules for the
19 implementation of this Section. In order to provide for the
20 expeditious and timely implementation of this Section, the
21 Secretary of State shall adopt emergency rules under subsection
22 (z) of Section 5-45 of the Illinois Administrative Procedure
23 Act for the implementation of this Section no later than 60
24 days after the effective date of this amendatory Act of the
25 100th General Assembly.

1 (25 ILCS 170/5)

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

12 (a) The registrant's name, permanent address, e-mail
13 address, if any, fax number, if any, business telephone
14 number, and temporary address, if the registrant has a
15 temporary address while lobbying.

16 (a-5) If the registrant is an entity, the information
17 required under subsection (a) for each natural person
18 associated with the registrant who will be lobbying,
19 regardless of whether lobbying is a significant part of his
20 or her duties.

21 (b) The name and address of the client or clients
22 employing or retaining the registrant to perform such
23 services or on whose behalf the registrant appears. If the
24 client employing or retaining the registrant is a client
25 registrant, the statement shall also include the name and
26 address of the client or clients of the client registrant

1 on whose behalf the registrant will be or anticipates
2 performing services.

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

6 (c-5) Each executive and legislative branch agency the
7 registrant expects to lobby during the registration
8 period.

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

22 (d) A confirmation that the registrant has a sexual
23 harassment policy as required by Section 4.7, that such
24 policy shall be made available to any individual within 2
25 business days upon written request (including electronic
26 requests), that any person may contact the authorized agent

1 of the registrant to report allegations of sexual
2 harassment, and that the registrant recognizes the
3 Inspector General has jurisdiction to review any
4 allegations of sexual harassment alleged against the
5 registrant or lobbyists hired by the registrant.

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

11 The Secretary of State shall make all filed statements and
12 amendments to statements publicly available by means of a
13 searchable database that is accessible through the World Wide
14 Web. The Secretary of State shall provide all software
15 necessary to comply with this provision to all natural persons
16 and entities required to file. The Secretary of State shall
17 implement a plan to provide computer access and assistance to
18 natural persons and entities required to file electronically.

19 All natural persons and entities required to register under
20 this Act shall remit a single, annual, and nonrefundable \$300
21 registration fee. Each natural person required to register
22 under this Act shall submit, on an annual basis, a picture of
23 the registrant. A registrant may, in lieu of submitting a
24 picture on an annual basis, authorize the Secretary of State to
25 use any photo identification available in any database
26 maintained by the Secretary of State for other purposes. Each

1 registration fee collected for registrations on or after
2 January 1, 2010 shall be deposited into the Lobbyist
3 Registration Administration Fund for administration and
4 enforcement of this Act.

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

6 (25 ILCS 170/10) (from Ch. 63, par. 180)

7 Sec. 10. Penalties.

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

18 (a-5) A violation of Section 4.7 or paragraph (d) of
19 Section 5 shall be considered a violation of the State
20 Officials and Employees Ethics Act, subject to the jurisdiction
21 of the Executive Ethics Commission and to all penalties under
22 Section 50-5 of the State Officials and Employees Ethics Act.

23 (b) In addition to the penalties provided for in
24 subsections ~~subsection~~ (a) and (a-5) of this Section, any
25 person convicted of any violation of any provision of this Act

1 is prohibited for a period of three years from the date of such
2 conviction from lobbying.

3 (c) There is created in the State treasury a special fund
4 to be known as the Lobbyist Registration Administration Fund.
5 All fines collected in the enforcement of this Section shall be
6 deposited into the Fund. These funds shall, subject to
7 appropriation, be used by the Office of the Secretary of State
8 for implementation and administration of this Act.

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

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

12 (775 ILCS 5/2-107 new)

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

14 (a) The Department shall, no later than 3 months after the
15 effective date of this amendatory Act of the 100th General
16 Assembly, establish and maintain a sexual harassment hotline.
17 The Department shall help persons who contact the Department
18 through the hotline find necessary resources, including
19 counseling services, and assist in the filing of sexual
20 harassment complaints with the Department or other applicable
21 agencies. The Department may recommend individual seek private
22 counsel, but shall not make recommendations for legal
23 representation. The hotline shall provide the means through
24 which persons may anonymously report sexual harassment in both

1 private and public places of employment. In the case of a
2 report of sexual harassment by a person subject to Article 20
3 or 25 of the State Officials and Employees Ethics Act, the
4 Department shall, with the permission of the reporting
5 individual, report the allegations to the Executive Inspector
6 General or Legislative Inspector General for further
7 investigation.

8 (b) The Department shall advertise the hotline on its
9 website and in materials related to sexual harassment,
10 including posters made available to the public, and encourage
11 reporting by both those who are subject to sexual harassment
12 and those who have witnessed it.

13 (c) All communications received by the Department via the
14 hotline or Internet communication shall remain confidential
15 and shall be exempt from disclosure under the Freedom of
16 Information Act.

17 (d) As used in this Section, "hotline" means a toll-free
18 telephone with voicemail capabilities and an Internet website
19 through which persons may report instances of sexual
20 harassment.

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