



Sen. Christopher Belt

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1 AMENDMENT TO SENATE BILL 3235

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

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

6 (30 ILCS 574/40-10)

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

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

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

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

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

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

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

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

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

26 (B) the Illinois Latino Family Commission;

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

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

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

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

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

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

20 (205 ILCS 735/35-5)

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

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

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

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

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

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

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

14 "Secretary" means the Secretary of Financial and
15 Professional Regulation, or his or her designee, including the
16 Director of the Division of Banking or the Director of the
17 Division of Financial Institutions.

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

19 (205 ILCS 735/35-15)

20 Sec. 35-15. Examinations.

21 (a) The Secretary shall have the authority to examine each
22 covered financial institution for compliance with this Act, in
23 consultation with State and federal regulators with an
24 appropriate regulatory interest, for and in compliance with
25 applicable State and federal fair lending laws, including, but

1 not limited to, the Illinois Human Rights Act, the federal
2 Equal Credit Opportunity Act, and the federal Home Mortgage
3 Disclosure Act, as often as the Secretary deems necessary and
4 proper. The Secretary may adopt rules with respect to the
5 frequency and manner of examination including the imposition
6 of examination fees. The Secretary shall appoint a suitable
7 person to perform such examination. The Secretary and his or
8 her appointees may examine the entire books, records,
9 documents, and operations of each covered financial
10 institution, its parent company, and its subsidiaries,
11 affiliates, or agents, and may examine any of the covered
12 financial institution's, its parent company's or its
13 subsidiaries', affiliates', or agents' officers, directors,
14 employees, and agents under oath. Any document or record
15 prepared or obtained in connection with or relating to any
16 such examination, and any record prepared or obtained by the
17 Secretary to the extent that the record summarizes or contains
18 information derived from any document or record described in
19 this subsection (a), shall not be disclosed to the public
20 unless otherwise provided by this Act.

21 (b) Upon the completion of the examination of a covered
22 financial institution under this Section, the Secretary shall
23 prepare a written evaluation of the covered financial
24 institution's record of performance relative to this Act. Each
25 written evaluation required under this subsection (b) shall
26 have a public section, which shall include no less information

1 than would be disclosed in a written evaluation under the
2 federal Community Reinvestment Act, and a confidential
3 section. The Secretary shall give the covered financial
4 institution an opportunity to comment on the evaluation, and
5 then shall make the public section of the written evaluation
6 open to public inspection upon request. The written evaluation
7 shall include, but is not limited to:

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

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

12 (3) a discussion of the facts supporting such
13 conclusions;

14 (4) the covered financial institution's descriptive
15 rating and the basis therefor; and

16 (5) a summary of public comments.

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

19 (1) outstanding record of performance in meeting its
20 community financial services needs;

21 (2) satisfactory record of performance in meeting its
22 community financial services needs;

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

25 (4) substantial noncompliance in meeting its community
26 financial services needs.

1 (d) Notwithstanding the foregoing provisions of this
2 Section, the Secretary may establish an alternative
3 examination procedure for any covered financial institution,
4 which, as of the most recent examination, has been assigned a
5 rating of outstanding or satisfactory for its record of
6 performance in meeting its community financial services needs.

7 (e) The Commission shall conduct studies to:

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

11 (A) access to financial products or services,
12 including, but not limited to, physical branches of
13 covered financial institutions; and

14 (B) lending and investments by covered financial
15 institutions;

16 (2) identify policies, procedures, patterns, or
17 practices that have or may have a disparate impact or
18 discriminatory effect; and

19 (3) identify opportunities for establishing and
20 growing Banking Development Districts in geographic
21 locations where there are the greatest underbanked and
22 unbanked populations and opportunities for partnerships
23 between depository institutions and local communities.

24 (f) The Secretary may implement the findings and other
25 results from such studies into the examination process through
26 rules adopted in accordance with the Illinois Administrative

1 Procedure Act.

2 (g) Any costs incurred by the Commission in conducting
3 such studies shall be subject to appropriation.

4 (h) The Commission shall provide reports of its findings
5 and shall furnish copies of the reports to the General
6 Assembly and the Secretary.

7 (i) The results of every study performed under this Act
8 shall be publicly available on the websites of the Commission
9 and the Department.

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

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

14 Section 99. Effective date. This Act takes effect January
15 1, 2025.".