



Rep. Jay Hoffman

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09900HB3128ham001

LRB099 10345 HLH 34040 a

1 AMENDMENT TO HOUSE BILL 3128

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3128 by inserting  
3 below line 3 the following:

4 "Section 3. The Illinois Administrative Procedure Act is  
5 amended by changing Sections 1-20 and 1-70 as follows:

6 (5 ILCS 100/1-20) (from Ch. 127, par. 1001-20)

7 Sec. 1-20. "Agency" means each officer, board, commission,  
8 and agency created by the Constitution, whether in the  
9 executive, legislative, or judicial branch of State  
10 government, but other than the circuit court; each officer,  
11 department, board, commission, agency, institution, authority,  
12 university, and body politic and corporate of the State; each  
13 administrative unit or corporate outgrowth of the State  
14 government that is created by or pursuant to statute, other  
15 than units of local government and their officers, school  
16 districts, and boards of election commissioners; and each

1 administrative unit or corporate outgrowth of the above and as  
2 may be created by executive order of the Governor. "Agency",  
3 however, does not include the following:

4 (1) The House of Representatives and Senate and their  
5 respective standing and service committees, including  
6 without limitation the Board of the Office of the Architect  
7 of the Capitol and the Architect of the Capitol established  
8 under the Legislative Commission Reorganization Act of  
9 1984.

10 (2) The Governor, except with respect to  
11 intergovernmental agreements.

12 (3) The justices and judges of the Supreme and  
13 Appellate Courts.

14 (4) The Legislative Ethics Commission.

15 (Source: P.A. 95-331, eff. 8-21-07.)

16 (5 ILCS 100/1-70) (from Ch. 127, par. 1001-70)

17 Sec. 1-70. "Rule" means each agency statement of general  
18 applicability that implements, applies, interprets, or  
19 prescribes law or policy, but does not include (i) statements  
20 concerning only the internal management of an agency and not  
21 affecting private rights or procedures available to persons or  
22 entities outside the agency, (ii) informal advisory rulings  
23 issued under Section 5-150, (iii) intra-agency memoranda, (iv)  
24 the prescription of standardized forms, (v) documents prepared  
25 or filed or actions taken by the Legislative Reference Bureau

1 under Section 5.04 of the Legislative Reference Bureau Act, or  
2 (vi) guidance documents prepared by the Illinois Environmental  
3 Protection Agency under Section 39.5 or subsection (s) of  
4 Section 39 of the Environmental Protection Act. "Rule" also  
5 includes the exclusive means by which a State agency may enter  
6 into or implement an intergovernmental agreement as provided in  
7 Section 3 of the Intergovernmental Cooperation Act.

8 (Source: P.A. 97-95, eff. 7-12-11; 97-1081, eff. 8-24-12.)

9 Section 10. The Intergovernmental Cooperation Act is  
10 amended by changing Section 3 as follows:

11 (5 ILCS 220/3) (from Ch. 127, par. 743)

12 Sec. 3. Intergovernmental cooperation.

13 (a) Any power or powers, privileges, functions, or  
14 authority exercised or which may be exercised by a public  
15 agency of this State may be exercised, combined, transferred,  
16 and enjoyed jointly with any other public agency of this State  
17 and jointly with any public agency of any other state or of the  
18 United States to the extent that laws of such other state or of  
19 the United States do not prohibit joint exercise or enjoyment  
20 and except where specifically and expressly prohibited by law.  
21 This includes, but is not limited to, (i) arrangements between  
22 the Illinois Student Assistance Commission and agencies in  
23 other states which issue professional licenses and (ii)  
24 agreements between the Department of Healthcare and Family

1 Services (formerly Illinois Department of Public Aid) and  
2 public agencies for the establishment and enforcement of child  
3 support orders and for the exchange of information that may be  
4 necessary for the enforcement of those child support orders.

5 (b) The exclusive means by which a State agency, as defined  
6 in Section 1-20 of the Illinois Administrative Procedure Act,  
7 may enter into or implement an intergovernmental agreement with  
8 another State agency is by the prior adoption of rules in  
9 accordance with the Illinois Administrative Procedure Act. Two  
10 or more State agencies that wish to participate in the same  
11 intergovernmental agreement may do so by adopting joint rules  
12 in accordance with the Illinois Administrative Procedure Act.  
13 The rules must include, at a minimum, the actual terms and  
14 conditions of the specific intergovernmental agreement that is  
15 contemplated by the State agency or agencies.

16 Within 6 months after the effective date of this amendatory  
17 Act of the 99th General Assembly, each State agency must file,  
18 with the Legislative Audit Commission, a copy of each  
19 intergovernmental agreement entered into by that agency, or any  
20 of its predecessor agencies, with another State agency prior to  
21 the effective date of this amendatory Act of the 99th General  
22 Assembly that was not fully performed by all parties before  
23 that effective date.

24 (c) Notwithstanding any other provision of law, no State  
25 agency, as defined in Section 1-20 of the Illinois  
26 Administrative Procedure Act, may enter into an

1 intergovernmental agreement with another State agency that  
2 authorizes sharing of appropriation line items unless that  
3 agreement is approved by a joint resolution of the General  
4 Assembly.

5 (Source: P.A. 95-331, eff. 8-21-07.)".