

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 5-15 as follows:

6 (5 ILCS 100/5-15) (from Ch. 127, par. 1005-15)

7 Sec. 5-15. Required rules.

8 (a) Each agency shall maintain as rules the following:

9 (1) (Blank). ~~A current description of the agency's~~
10 ~~organization with necessary charts depicting that~~
11 ~~organization.~~

12 (2) The current procedures by which the public can
13 obtain information or make submissions or requests on
14 subjects, programs, and activities of the agency. Requests
15 for copies of agency rules shall not be deemed Freedom of
16 Information Act requests unless so labeled by the
17 requestor.

18 (3) Tables of contents, indices, reference tables, and
19 other materials to aid users in finding and using the
20 agency's collection of rules currently in force.

21 (4) A current description of the agency's rulemaking
22 procedures with necessary flow charts depicting those
23 procedures.

1 (5) Any rules adopted under this Section in accordance
2 with Sections 5-75 and 10-20 of this Act.

3 (b) The rules required to be filed by this Section that
4 contain statements concerning only the internal management of
5 an agency and not affecting private rights or procedures
6 available to persons or entities outside the agency may be
7 adopted, amended, or repealed and filed as provided in this
8 Section instead of any other provisions or requirements of
9 this Act.

10 The rules required by this Section may be adopted,
11 amended, or repealed by filing a certified copy with the
12 Secretary of State under subsections (a) and (b) of Section
13 5-65 and may become effective immediately.

14 (c) Before filing a certified copy with the Secretary of
15 State as described in subsection (b) of this Section, an
16 agency shall give at least 14 days' notice of its intended
17 action to the general public. The notice period shall commence
18 on the first day the notice appears in the Illinois Register.
19 The notice shall include the information in paragraphs (1),
20 (2), (3), and (5) of subsection (b) of Section 5-40, a
21 statement of how the proposed rule made under this Section
22 satisfies the criteria established by subsections (a) and (b),
23 how to submit comments, and any other information that the
24 Secretary of State may, by rule, require in the interest of
25 informing the public.

26 During the notice period, the agency shall accept comments

1 from any interested persons. The agency shall accept
2 submissions in writing, including submissions by email or by
3 other publicly accessible electronic means through its
4 website. At the discretion of the agency, submissions may be
5 submitted orally. The agency shall consider all submissions
6 received.

7 After the notice period, the agency may make modifications
8 to the proposed rule in response to any comment received and
9 file a certified copy with the Secretary of State under
10 subsections (a) and (b) of Section 5-65. The notice of
11 adoption of required rules shall also include a description of
12 any modifications from the initially published proposal and
13 may include an immediate effective date.

14 The Secretary of State shall refuse the filing of a
15 certified copy that does not comply with this subsection.

16 (Source: P.A. 90-155, eff. 7-23-97.)