

HB5334



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5334

by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

5 ILCS 100/1-5

from Ch. 127, par. 1001-5

Amends the Illinois Administrative Procedure Act. Removes a provision allowing an applicability exemption from specified provisions of the Act concerning hearings, proceedings, or investigations conducted by the State Council for Interstate Compacts for the State of Illinois as created under the Unified Code of Corrections. Effective immediately.

LRB101 18476 RJF 67925 b

A BILL FOR

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 1-5 as follows:

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

7 Sec. 1-5. Applicability.

8 (a) This Act applies to every agency as defined in this
9 Act. Beginning January 1, 1978, in case of conflict between the
10 provisions of this Act and the Act creating or conferring power
11 on an agency, this Act shall control. If, however, an agency
12 (or its predecessor in the case of an agency that has been
13 consolidated or reorganized) has existing procedures on July 1,
14 1977, specifically for contested cases or licensing, those
15 existing provisions control, except that this exception
16 respecting contested cases and licensing does not apply if the
17 Act creating or conferring power on the agency adopts by
18 express reference the provisions of this Act. Where the Act
19 creating or conferring power on an agency establishes
20 administrative procedures not covered by this Act, those
21 procedures shall remain in effect.

22 (b) The provisions of this Act do not apply to (i)
23 preliminary hearings, investigations, or practices where no

1 final determinations affecting State funding are made by the
2 State Board of Education, (ii) legal opinions issued under
3 Section 2-3.7 of the School Code, (iii) as to State colleges
4 and universities, their disciplinary and grievance
5 proceedings, academic irregularity and capricious grading
6 proceedings, and admission standards and procedures, and (iv)
7 the class specifications for positions and individual position
8 descriptions prepared and maintained under the Personnel Code.
9 Those class specifications shall, however, be made reasonably
10 available to the public for inspection and copying.

11 (c) Section 5-35 of this Act relating to procedures for
12 rulemaking does not apply to the following:

13 (1) Rules adopted by the Pollution Control Board that,
14 in accordance with Section 7.2 of the Environmental
15 Protection Act, are identical in substance to federal
16 regulations or amendments to those regulations
17 implementing the following: Sections 3001, 3002, 3003,
18 3004, 3005, and 9003 of the Solid Waste Disposal Act;
19 Section 105 of the Comprehensive Environmental Response,
20 Compensation, and Liability Act of 1980; Sections 307(b),
21 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal
22 Water Pollution Control Act; Sections 1412(b), 1414(c),
23 1417(a), 1421, and 1445(a) of the Safe Drinking Water Act;
24 and Section 109 of the Clean Air Act.

25 (2) Rules adopted by the Pollution Control Board that
26 establish or amend standards for the emission of

1 hydrocarbons and carbon monoxide from gasoline powered
2 motor vehicles subject to inspection under the Vehicle
3 Emissions Inspection Law of 2005 or its predecessor laws.

4 (3) Procedural rules adopted by the Pollution Control
5 Board governing requests for exceptions under Section 14.2
6 of the Environmental Protection Act.

7 (4) The Pollution Control Board's grant, pursuant to an
8 adjudicatory determination, of an adjusted standard for
9 persons who can justify an adjustment consistent with
10 subsection (a) of Section 27 of the Environmental
11 Protection Act.

12 (4.5) The Pollution Control Board's adoption of
13 time-limited water quality standards under Section 38.5 of
14 the Environmental Protection Act.

15 (5) Rules adopted by the Pollution Control Board that
16 are identical in substance to the regulations adopted by
17 the Office of the State Fire Marshal under clause (ii) of
18 paragraph (b) of subsection (3) of Section 2 of the
19 Gasoline Storage Act.

20 (d) Pay rates established under Section 8a of the Personnel
21 Code shall be amended or repealed pursuant to the process set
22 forth in Section 5-50 within 30 days after it becomes necessary
23 to do so due to a conflict between the rates and the terms of a
24 collective bargaining agreement covering the compensation of
25 an employee subject to that Code.

26 (e) Section 10-45 of this Act shall not apply to any

1 hearing, proceeding, or investigation conducted under Section
2 13-515 of the Public Utilities Act.

3 (f) Article 10 of this Act does not apply to any hearing,
4 proceeding, or investigation conducted by ~~the State Council for~~
5 ~~the State of Illinois created under Section 3-3-11.05 of the~~
6 ~~Unified Code of Corrections or by~~ the Interstate Commission for
7 Adult Offender Supervision created under the Interstate
8 Compact for Adult Offender Supervision or by the Interstate
9 Commission for Juveniles created under the Interstate Compact
10 for Juveniles.

11 (g) This Act is subject to the provisions of Article XXI of
12 the Public Utilities Act. To the extent that any provision of
13 this Act conflicts with the provisions of that Article XXI, the
14 provisions of that Article XXI control.

15 (Source: P.A. 99-937, eff. 2-24-17; 100-22, eff. 1-1-18.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.