



Sen. Pamela J. Althoff

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1 AMENDMENT TO SENATE BILL 2703

2 AMENDMENT NO. _____. Amend Senate Bill 2703 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Administrative Procedure Act is
5 amended by changing Sections 1-15, 1-30, 10-5, 10-15, 10-20,
6 10-25, 10-35, 10-45, 10-50, 10-60, and 10-65 and by adding
7 Sections 1-13, 10-3, 10-75, and Article 12 as follows:

8 (5 ILCS 100/1-13 new)

9 Sec. 1-13. "Administrative hearing" means any hearing
10 required to comply with the provisions of this Act concerning a
11 contested case.

12 (5 ILCS 100/1-15) (from Ch. 127, par. 1001-15)

13 Sec. 1-15. "Administrative law judge" means the presiding
14 officer or officers at the initial administrative hearing
15 before each agency and each continuation of that administrative

1 hearing. The term also includes but is not limited to hearing
2 examiners, hearing officers, referees, and arbitrators.

3 (Source: P.A. 87-823.)

4 (5 ILCS 100/1-30) (from Ch. 127, par. 1001-30)

5 Sec. 1-30. "Contested case" means an adjudicatory
6 proceeding (not including ratemaking, rulemaking, or
7 quasi-legislative, informational, or similar proceedings) in
8 which the individual legal rights, duties, or privileges of a
9 party are required by law to be determined by an agency only
10 after an opportunity for an administrative a hearing.

11 (Source: P.A. 87-823.)

12 (5 ILCS 100/10-3 new)

13 Sec. 10-3. Applicability. This Article applies to all
14 agencies not covered by Article 12.

15 (5 ILCS 100/10-5) (from Ch. 127, par. 1010-5)

16 Sec. 10-5. Rules required for hearings. All agencies shall
17 adopt rules establishing procedures for administrative
18 ~~contested case~~ hearings.

19 (Source: P.A. 87-823.)

20 (5 ILCS 100/10-15) (from Ch. 127, par. 1010-15)

21 Sec. 10-15. Standard of proof. Unless otherwise provided by
22 law or stated in the agency's rules, the standard of proof in

1 any administrative ~~contested case~~ hearing conducted under this
2 Act by an agency shall be the preponderance of the evidence.

3 (Source: P.A. 87-823.)

4 (5 ILCS 100/10-20) (from Ch. 127, par. 1010-20)

5 Sec. 10-20. Qualifications of administrative law judges.
6 Agencies ~~All agencies~~ shall adopt rules concerning the minimum
7 qualifications of administrative law judges for administrative
8 ~~contested case~~ hearings not subject to Article 12 of this Act.

9 The agency head or an attorney licensed to practice law in
10 Illinois may act as an administrative law judge or panel for an
11 agency without adopting any rules under this Section. The ~~These~~
12 rules may be adopted using the procedures in either Section
13 5-15 or 5-35.

14 (Source: P.A. 87-823.)

15 (5 ILCS 100/10-25) (from Ch. 127, par. 1010-25)

16 Sec. 10-25. Notice of contested ~~Contested~~ cases;
17 administrative notice; hearing.

18 (a) In a contested case, ~~all~~ parties shall be afforded an
19 opportunity for an administrative ~~a~~ hearing after reasonable
20 notice. The notice shall be served personally, served ~~or~~ by
21 certified or registered mail, served by electronic mail as
22 provided by Section 10-75, or served as otherwise provided by
23 law upon the parties or their agents appointed to receive
24 service of process and shall include the following:

1 (1) A statement of the time, place, and nature of the
2 administrative hearing.

3 (2) A statement of the legal authority and jurisdiction
4 under which the administrative hearing is to be held.

5 (3) A reference to the particular Sections of the
6 substantive and procedural statutes and rules involved.

7 (4) Except where a more detailed statement is otherwise
8 provided for by law, a short and plain statement of the
9 matters asserted, the period within which a response is
10 required, the consequences of a failure to timely respond,
11 and the official file or other reference number.

12 (5) To the extent such information is available, The
13 names, phone numbers, email addresses, and mailing
14 addresses of the administrative law judge or designated
15 agency contact, all parties, and all other persons to whom
16 the agency is required to give ~~gives~~ notice of the
17 administrative hearing unless otherwise confidential by
18 law.

19 (b) An opportunity shall be afforded all parties to be
20 represented by legal counsel and to respond and present
21 evidence and argument. Except as otherwise provided by law, an
22 administrative law judge may conduct all or part of an
23 administrative hearing by telephone, video conference, or
24 other electronic means.

25 (c) Unless precluded by law, disposition may be made of any
26 contested case by stipulation, agreed settlement, consent

1 order, or default.

2 (Source: P.A. 87-823.)

3 (5 ILCS 100/10-35) (from Ch. 127, par. 1010-35)

4 Sec. 10-35. Record in contested cases.

5 (a) The record in a contested case shall include the
6 following:

7 (1) All pleadings (including all notices and responses
8 thereto), motions, and rulings.

9 (2) All evidence received.

10 (3) A statement of matters officially noticed.

11 (4) Any offers of proof, objections, and rulings
12 thereon.

13 (5) Any proposed findings and exceptions.

14 (6) Any decision, opinion, or report by the
15 administrative law judge.

16 (7) All staff memoranda or data submitted to the
17 administrative law judge or members of the agency in
18 connection with their consideration of the case that are
19 inconsistent with Section 10-60.

20 (8) Any communication prohibited by Section 10-60. No
21 such communication shall form the basis for any finding of
22 fact.

23 (b) Oral proceedings or any part thereof shall be recorded
24 stenographically or by other means that will adequately insure
25 the preservation of the testimony or oral proceedings and shall

1 be transcribed on the request of any party.

2 (c) Findings of fact shall be based exclusively on ~~the~~
3 evidence admitted and on matters officially noticed.

4 (Source: P.A. 87-823.)

5 (5 ILCS 100/10-45) (from Ch. 127, par. 1010-45)

6 Sec. 10-45. Proposal for decision. Except where otherwise
7 expressly provided by law, when in a contested case a majority
8 of the officials of the agency who are to render the final
9 decision has not heard the case or read the record, the
10 decision, if adverse to a party to the proceeding other than
11 the agency, shall not be made until a proposal for decision is
12 served upon the parties and an opportunity is afforded to each
13 party adversely affected to file exceptions and to present a
14 brief and, if the agency so permits, oral argument to the
15 agency officials who are to render the decision. The proposal
16 for decision shall contain a statement of the reasons therefor
17 and of each issue of fact or law necessary to the proposed
18 decision and shall be prepared by the persons who conducted the
19 administrative hearing or one who has read the record.

20 (Source: P.A. 87-823.)

21 (5 ILCS 100/10-50) (from Ch. 127, par. 1010-50)

22 Sec. 10-50. Decisions and orders.

23 (a) A final decision or order adverse to a party (other
24 than the agency) in a contested case shall be in writing or

1 stated on ~~in~~ the record. A final decision shall include
2 findings of fact and conclusions of law, separately stated.
3 Findings of fact, if set forth in statutory language, shall be
4 accompanied by a concise and explicit statement of the
5 underlying facts supporting the findings. If, in accordance
6 with agency rules, a party submitted proposed findings of fact,
7 the decision shall include a ruling upon each proposed finding.
8 Parties or their agents appointed to receive service of process
9 shall be notified of any decision or order either personally,
10 ~~or~~ by registered or certified mail, by electronic mail as
11 provided by Section 10-75, or as otherwise provided by law ~~or~~
12 ~~any decision or order~~. Upon request a copy of the decision or
13 order shall be delivered or mailed forthwith to each party and
14 to his attorney of record.

15 (b) All agency orders shall specify whether they are final
16 and subject to the Administrative Review Law. Every final order
17 shall contain a list of all parties of record to the case
18 including the name and address of the agency or officer
19 entering the order and the name and addresses of each party as
20 known to the agency where the parties may be served with
21 pleadings, notices, or service of process for any review or
22 further proceedings. Every final order shall also state whether
23 the rules of the agency require any motion or request for
24 reconsideration and cite the rule for the requirement. The
25 changes made by this amendatory Act of the 100th General
26 Assembly apply to all actions filed under the Administrative

1 Review Law on or after the effective date of this amendatory
2 Act of the 100th General Assembly.

3 (c) A decision by any agency in a contested case under this
4 Act shall be void unless the proceedings are conducted in
5 compliance with the provisions of this Act relating to
6 contested cases, except to the extent those provisions are
7 waived under Section 10-70 ~~and except to the extent the agency~~
8 ~~has adopted its own rules for contested cases as authorized in~~
9 ~~Section 1-5.~~

10 (Source: P.A. 100-212, eff. 8-18-17.)

11 (5 ILCS 100/10-60) (from Ch. 127, par. 1010-60)
12 Sec. 10-60. Ex parte communications.

13 (a) Except in the disposition of matters that agencies are
14 authorized by law to entertain or dispose of on an ex parte
15 basis, final decision makers ~~agency heads, agency employees,~~
16 and administrative law judges shall not, ~~after notice of~~
17 ~~hearing in a contested case or licensing to which the~~
18 ~~procedures of a contested case apply under this Act,~~
19 communicate, directly or indirectly, with any individual or
20 party imparting or requesting material information or making a
21 material argument regarding a contested case without, ~~in~~
22 ~~connection with any issue of fact, with any person or party, or~~
23 ~~in connection with any other issue with any party or the~~
24 ~~representative of any party, except upon~~ notice and opportunity
25 for all parties to participate. Any such communication shall be

1 made part of the record of the pending matter, including all
2 written communications, all written responses to the
3 communications, and a memorandum stating the substance of all
4 oral communications, all responses made, and the identity of
5 each person from whom the ex parte communication was received.

6 (b) An administrative law judge or final decision maker
7 ~~However, an agency member~~ may communicate with individuals
8 within the agency about a contested case, so long as the
9 individual has not served as investigator, prosecutor, or
10 advocate at any stage of the case, and if the communication
11 does not affect the evidence in the record ~~other members of the~~
12 ~~agency, and an agency member or administrative law judge may~~
13 ~~have the aid and advice of one or more personal assistants.~~
14 Communications regarding matters of procedure and practice,
15 such as the format of pleadings, number of copies required,
16 manner of service, scheduling, and status of proceedings, are
17 not considered ex parte communications under this Section.

18 (c) (Blank). ~~An ex parte communication received by any~~
19 ~~agency head, agency employee, or administrative law judge shall~~
20 ~~be made a part of the record of the pending matter, including~~
21 ~~all written communications, all written responses to the~~
22 ~~communications, and a memorandum stating the substance of all~~
23 ~~oral communications and all responses made and the identity of~~
24 ~~each person from whom the ex parte communication was received.~~

25 (d) (Blank). ~~Communications regarding matters of procedure~~
26 ~~and practice, such as the format of pleadings, number of copies~~

1 ~~required, manner of service, and status of proceedings, are not~~
2 ~~considered ex parte communications under this Section.~~

3 (Source: P.A. 87-823.)

4 (5 ILCS 100/10-65) (from Ch. 127, par. 1010-65)
5 Sec. 10-65. Licenses.

6 (a) When any licensing is required by law to be preceded by
7 notice and an opportunity for an administrative a hearing, the
8 provisions of this Act concerning contested cases shall apply.

9 (b) When a licensee has made timely and sufficient
10 application for the renewal of a license or a new license with
11 reference to any activity of a continuing nature, the existing
12 license shall continue in full force and effect until the final
13 agency decision on the application has been made unless a later
14 date is fixed by order of a reviewing court or the agency has
15 summarily suspended the license under subsection (e).

16 (c) An application for a new license shall include the
17 applicant's social security number, which shall be retained in
18 the agency's records pertaining to the license. As soon as
19 practical, an agency must assign a customer identification
20 number to each applicant for a license that the applicant may
21 use in place of his or her social security number on the
22 application for a license or renewal of a license. A licensee's
23 social security number shall not appear on the face of his or
24 her license.

25 Regarding compliance with child support orders, the

1 following requirements shall apply:

2 (1) Each agency shall require the applicant or the
3 licensee to certify on the application or renewal form,
4 under penalty of perjury, that he or she is not more than
5 30 days delinquent in complying with a child support order.
6 Every application or renewal form shall state that failure
7 to so certify shall result in disciplinary action, and that
8 making a false statement may subject the applicant or
9 licensee to contempt of court.

10 (2) The agency shall notify each applicant or licensee
11 who acknowledges a delinquency or who, contrary to his or
12 her certification, is found to be delinquent or who after
13 receiving notice, fails to comply with a subpoena or
14 warrant relating to a paternity or a child support
15 proceeding, that the agency intends to take disciplinary
16 action. Accordingly, the agency shall provide written
17 notice of the facts or conduct upon which the agency will
18 rely to support its proposed action and the applicant or
19 licensee shall be given an opportunity for an
20 administrative a hearing in accordance with the provisions
21 of the Act concerning contested cases.

22 (3) Any delinquency in complying with a child support
23 order can be remedied by arranging for payment of past due
24 and current support. Any failure to comply with a subpoena
25 or warrant relating to a paternity or child support
26 proceeding can be remedied by complying with the subpoena

1 or warrant.

2 (4) Upon a final finding of delinquency or failure to
3 comply with a subpoena or warrant, the agency shall
4 suspend, revoke, or refuse to issue or renew the license.

5 (A) In cases in which the Department of Healthcare
6 and Family Services (formerly Department of Public
7 Aid) has previously determined that an applicant or a
8 licensee is more than 30 days delinquent in the payment
9 of child support and has subsequently certified the
10 delinquency to the licensing agency, and in cases in
11 which a court has previously determined that an
12 applicant or licensee has been in violation of the
13 Non-Support Punishment Act for more than 60 days, the
14 licensing agency shall refuse to issue or renew or
15 shall revoke or suspend that person's license based
16 solely upon the certification of delinquency made by
17 the Department of Healthcare and Family Services
18 (formerly Department of Public Aid) or the
19 certification of violation made by the court. Further
20 process, hearings, or redetermination of the
21 delinquency or violation by the licensing agency shall
22 not be required.

23 (B) The licensing agency may issue or renew a
24 license if the licensee has arranged for payment of
25 past and current child support obligations in a manner
26 satisfactory to the Department of Healthcare and

1 Family Services (formerly Department of Public Aid) or
2 the court. The licensing agency may impose conditions,
3 restrictions, or disciplinary action upon that
4 license.

5 (d) Except as provided in subsection (c), no agency shall
6 revoke, suspend, annul, withdraw, amend materially, or refuse
7 to renew any valid license without first giving written notice
8 to the licensee of the facts or conduct upon which the agency
9 will rely to support its proposed action and an opportunity for
10 an administrative ~~a~~ hearing in accordance with the provisions
11 of this Act concerning contested cases. At the administrative
12 hearing, the licensee shall have the right to show compliance
13 with all lawful requirements for the retention, continuation,
14 or renewal of the license. If, however, the agency finds that
15 the public interest, safety, or welfare imperatively requires
16 emergency action, and if the agency incorporates a finding to
17 that effect in its order, summary suspension of a license may
18 be ordered pending proceedings for revocation or other action.
19 Those proceedings shall be promptly instituted and determined.

20 (e) Any application for renewal of a license that contains
21 required and relevant information, data, material, or
22 circumstances that were not contained in an application for the
23 existing license shall be subject to the provisions of
24 subsection (a).

25 (Source: P.A. 96-328, eff. 8-11-09; 97-400, eff. 1-1-12.)

1 (5 ILCS 100/10-75 new)

2 Sec. 10-75. Collection of email addresses.

3 (a) The following requirements shall apply to the
4 collection of email addresses under this Act:

5 (1) At any time either before or after its issuance of
6 a hearing notice as described in Section 10-25, an agency
7 may require any attorney representing a party to the
8 hearing to provide one or more email addresses at which
9 they consent to accept service of the documents described
10 in Sections 10-25 and 10-50 in connection with the hearing.
11 A party represented by an attorney may provide the email
12 address of the attorney.

13 (2) To the extent a person or entity is subject to
14 licensure, permitting, or regulation by an agency or
15 submits an application for licensure or permitting to an
16 agency, that agency may require, as a condition of
17 application, licensure, permitting, or regulation, that
18 such persons or entities consent to service by email of the
19 documents described in Sections 10-25 and 10-50 in
20 connection with any hearings that may arise under this
21 paragraph (2) in connection with an application, licensure
22 or regulation, provided that the agency: (i) requires that
23 any person or entity providing an email address, update the
24 email address if it is changed; and (ii) periodically
25 verifies the email address.

26 (3) At any time either before or after its issuance of

1 a hearing notice, as described in Section 10-25, an agency
2 may request, but not require, an unrepresented party that
3 is not subject to paragraph (2), to consent to accept
4 service via email of the documents described in Sections
5 10-25 and 10-50 by designating an email address at which
6 they will accept service.

7 (4) Any person or entity who submits an email address
8 under this Section shall also be given the option to
9 designate no more than 2 secondary email addresses at which
10 the person or entity consents to accept service, provided
11 that, if any secondary email address is designated, an
12 agency must serve the documents to both the designated
13 primary and secondary email addresses.

14 (b) Notwithstanding any party's consent to accept service
15 via email, no document described in Sections 10-25 or 10-50 may
16 be served by email to the extent the document contains:

17 (1) a Social Security number or individual
18 taxpayer-identification number;

19 (2) a driver's license number;

20 (3) a financial account number;

21 (4) a debit or credit card number;

22 (5) any other information that could reasonably be
23 deemed personal, proprietary, confidential, or trade
24 secret information; or

25 (6) any information about or concerning a minor.

26 (c) Service by email is deemed complete on the day of

1 transmission. Agencies that use email to serve documents under
2 10-25 and 10-50 shall adopt rules that specify the standard for
3 confirming delivery, and failing that confirmation, what steps
4 the agency will take to ensure that service by email or other
5 means is accomplished.

6 (5 ILCS 100/Art. 12 heading new)

7 ARTICLE 12. OFFICE OF ADMINISTRATIVE HEARINGS

8 (5 ILCS 100/12-5 new)

9 Sec. 12-5. Applicability. This Article applies to all
10 agencies under the jurisdiction of the Governor other than the
11 following:

12 the Illinois Labor Relations Board;

13 the Illinois Educational Labor Relations Board;

14 the Illinois Commerce Commission;

15 the Illinois Workers' Compensation Commission;

16 the Civil Service Commission;

17 the Pollution Control Board;

18 the State Police Merit Board;

19 the Property Tax Appeal Board;

20 the State Board of Elections; and

21 the Illinois Independent Tax Tribunal.

22 (5 ILCS 100/12-10 new)

23 Sec. 12-10. Office of Administrative Hearings.

1 (a) The Office of Administrative Hearings, hereinafter
2 referred to as the Office, is established as an independent
3 subdivision within the Department of Central Management
4 Services for the purpose of improving public trust and
5 confidence in administrative adjudication by:

6 (1) separating the adjudicatory function from the
7 investigatory, prosecutory, and policy-making functions of
8 agencies in the executive branch;

9 (2) establishing a professional corps of
10 administrative law judges;

11 (3) establishing greater uniformity in the rules of
12 procedure and evidence in administrative adjudication; and

13 (4) eliminating unnecessary and duplicative costs in
14 administrative adjudication.

15 (b) The Office is responsible for conducting
16 administrative hearings in accordance with the legislative
17 intent expressed by this Act, with administrative support from
18 the Department of Central Management Services.

19 (c) The Office is under the supervision and direction of a
20 Chief Administrative Law Judge, who shall be appointed by the
21 Governor, by and with the advice and consent of the Senate. The
22 Chief Administrative Law Judge, as a condition of appointment,
23 must have been admitted to practice law in the State of
24 Illinois for at least 10 years, must have substantial knowledge
25 and experience suitable to the duties of the Office, and may be
26 removed only for good cause following notice and an opportunity

1 for an adjudicative hearing.

2 (d) The Chief Administrative Law Judge must maintain his or
3 her principal office in Springfield and may maintain any other
4 offices that may be necessary.

5 (e) The Department of Central Management Services shall
6 purchase or lease any equipment and supplies that may be
7 necessary to carry out the duties of the Office, and must
8 maintain records and files of the work of the Office.

9 (f) The Office of Administrative Hearings by and through
10 the Chief Administrative Law Judge and any administrative law
11 judge under this Article is empowered to subpoena and bring
12 before it, him, or her any person in this State and to take
13 testimony, in person or otherwise, upon payment of the same
14 fees, and in the same manner as prescribed for circuit court
15 proceedings by Supreme Court Rule and under the Code of Civil
16 Procedure. The term "administrative law judge" as used in this
17 Article means an administrative law judge as defined in Section
18 1-15 who is an employee of the Office.

19 (g) The Office may enter into an interagency agreement with
20 any agency to furnish administrative law judges to conduct
21 administrative hearings not otherwise required to be conducted
22 by the Office. The Office may also enter into an agreement with
23 a unit of local government or school district to furnish
24 administrative law judges to conduct administrative hearings.

25 (h) Any finding, determination, ruling, or order issued as
26 result of any hearing conducted for any public entity subject

1 to or contracted for under this Article shall have the same
2 status and be subject to the same conditions and limitations as
3 if conducted by that public entity. That public entity shall
4 remain the proper party named and served in any action in
5 administrative review under the provisions of the
6 Administrative Review Law or other review or appeal provision
7 provided by law. For the purposes of this subsection (h),
8 "public entity" means any agency, unit of local government,
9 school district, or any other entity created under the laws of
10 State or local government.

11 (i) The Office must develop and institute a program of
12 continuing education and training for administrative law
13 judges and may permit administrative law judges and hearing
14 examiners employed by other agencies to participate in its
15 program. The Office shall also implement the Administrative Law
16 Judge (ALJ) Code of Professional Conduct for its administrative
17 law judges, and make periodic amendments as prudent. The Office
18 may develop and institute other educational programs in the
19 area of administrative law and procedure for the benefit of
20 State employees and those who participate in administrative
21 hearings.

22 (5 ILCS 100/12-15 new)

23 Sec. 12-15. Chief Administrative Law Judge term of office;
24 salary.

25 (a) The Chief Administrative Law Judge shall serve for a

1 term of 6 years, and shall hold office until a successor is
2 appointed.

3 (b) The Chief Administrative Law Judge shall receive an
4 annual salary as set by the Governor, from time to time.

5 (5 ILCS 100/12-20 new)

6 Sec. 12-20. Oath. Each prospective Chief Administrative
7 Law Judge, before taking office, must take and subscribe to the
8 oath or affirmation prescribed by Section 3 of Article XIII of
9 the Illinois Constitution, an executed copy of which must be
10 filed with the Secretary of State.

11 (5 ILCS 100/12-25 new)

12 Sec. 12-25. Powers and duties of the Chief Administrative
13 Law Judge.

14 (a) The Chief Administrative Law Judge may employ such
15 administrative law judges that are necessary to carry out the
16 purposes of this Article.

17 (b) Except as otherwise provided in Section 12-40, an
18 administrative law judge must be admitted to practice law in
19 this State and must have a demonstrated knowledge of and
20 experience in administrative law and procedure that is suitable
21 to the duties of the office.

22 (c) The Chief Administrative Law Judge may contract for the
23 services of an attorney to serve as a special administrative
24 law judge when necessary.

1 (d) The Chief Administrative Law Judge may employ and
2 direct other staff, including administrative, supervisory,
3 clerical, and other specialized or technical personnel that may
4 be necessary to carry out the purposes of this Article.

5 (e) The Chief Administrative Law Judge must assign an
6 administrative law judge for any proceeding that is required by
7 this Article to be conducted by the Office and for any
8 proceeding for which the Office has agreed to furnish an
9 administrative law judge as provided in Section 12-10 of this
10 Act. No agency may select any individual administrative law
11 judge for any proceeding or reject any individual
12 administrative law judge.

13 (f) Any administrative law judge so assigned does not
14 become an employee of the agency during the assignment and is
15 not subject to the direction or the supervision of the agency
16 to whose proceeding the administrative law judge has been
17 assigned. In cases where the agency is a party to the hearing,
18 it shall have all rights and privileges and be subject to the
19 same limitations as all other parties to the hearing.

20 (g) In assigning administrative law judges, the Chief
21 Administrative Law Judge must, when possible, use personnel
22 having knowledge, training, or experience in the field or
23 subject matter of the hearing and assign administrative law
24 judges primarily to the hearings of particular agencies on a
25 long-term basis. The Chief Administrative Law Judge may act as
26 an administrative law judge in a particular case when

1 appropriate under law.

2 (h) If an administrative law judge becomes unavailable as a
3 result of recusal, disqualification, or any other reason, the
4 Chief Administrative Law Judge must assign another
5 administrative law judge to preside at the administrative
6 hearing.

7 (i) The Chief Administrative Law Judge shall adopt under
8 Article 5 of this Act uniform rules of procedure and evidence
9 governing hearings conducted by the Office of Administrative
10 Hearings. Rules adopted by the Chief Administrative Law Judge
11 shall supersede any contrary rules adopted by agencies subject
12 to this Article, except to the extent required by federal law
13 or State statute. The Chief Administrative Law Judge may adopt
14 additional rules as necessary to carry out the powers and
15 duties of the Office of Administrative Hearings.

16 (j) The Chief Administrative Law Judge must:

17 (1) annually collect information on administrative law
18 and procedure in this State and must study administrative
19 law and procedure for the purpose of improving the
20 fairness, efficiency, and uniformity of administrative
21 adjudicatory proceedings in this State;

22 (2) monitor the quality and cost of State
23 administrative hearings; and

24 (3) annually report his or her findings and
25 recommendations to the Governor and to the General Assembly
26 no later than March 15 of each year.

1 (5 ILCS 100/12-30 new)

2 Sec. 12-30. Proceedings. Beginning on July 1, 2018, an
3 administrative law judge of the Office shall preside over any
4 administrative hearing of any agency subject to this Article,
5 except that an administrative hearing in a contested case
6 commenced before July 1, 2018, and pending before an
7 administrative law judge not transferred to the Office of
8 Administrative Hearings by operation of Section 12-40 shall not
9 be heard by an administrative law judge of the Office without
10 the agreement of the parties.

11 (5 ILCS 100/12-35 new)

12 Sec. 12-35. Authority of administrative law judges. An
13 administrative law judge assigned by the Office to preside over
14 an administrative hearing shall have the authority to:

15 (1) conduct a fair, impartial, and formal hearing
16 following the applicable evidentiary standards;

17 (2) control the conduct of the hearing to prevent
18 irrelevant or immaterial discussion and take all necessary
19 actions to avoid delay;

20 (3) inform participants of their individual rights and
21 responsibilities;

22 (4) conduct pre-hearing conferences;

23 (5) take necessary steps to ensure the development of a
24 clear and complete record, preserve all documents and

1 evidence for the record, and provide for the recording of
2 the hearing;

3 (6) administer an oath or an affirmation to all
4 witnesses, permit examination of any witness under oath,
5 examine any of the witnesses at any time or request
6 additional information from either party, set reasonable
7 limits on the scope of testimony or argument, and determine
8 the order of appearance of all parties;

9 (7) issue subpoenas requested prior to the hearing;

10 (8) rule upon all motions, objections, and other
11 matters arising in the course of the hearing;

12 (9) receive all evidence and testimony and rule on its
13 admissibility, as well as require the production of any
14 relevant document, witness, or other evidence the
15 administrative law judge deems material or relevant to any
16 issue, including, but not limited to, additional
17 testimony, documents, exhibits, briefs, memoranda of law,
18 or post-hearing briefs;

19 (10) require cooperation by all parties and maintain
20 order and decorum, which the administrative law judge may
21 accomplish by ordering the removal of any person from the
22 hearing who is creating a disturbance that disrupts the
23 hearing, whether by physical actions, profanity, or
24 conduct; and

25 (11) enter orders as are just to address any violation
26 of this Article, administrative rules adopted under

1 Article 5 of this Act, or the administrative law judge's
2 rulings.

3 (5 ILCS 100/12-40 new)

4 Sec. 12-40. Ex parte communications.

5 (a) Except in the disposition of matters that are
6 authorized by law to be disposed of on an ex parte basis,
7 administrative law judges of the Office shall not communicate,
8 directly or indirectly, with any individual or party imparting
9 or requesting material information or making a material
10 argument regarding a contested case without notice and
11 opportunity for all parties to participate. Any such
12 communication shall be made part of the record of the pending
13 matter, including all written communications, all written
14 responses to the communications, and a memorandum stating the
15 substance of all oral communications, all responses made, and
16 the identity of each person from whom the ex parte
17 communication was received.

18 (b) Communications regarding matters of procedure and
19 practice, such as the format of pleadings, number of copies
20 required, manner of service, scheduling, and status of
21 proceedings, are not considered ex parte communications under
22 this Section.

23 (c) An administrative law judge's communications with
24 other employees of the Office are not considered ex parte
25 communications under this Section.

1 (5 ILCS 100/12-45 new)

2 Sec. 12-45. Proposed decisions.

3 (a) When a majority of the members of an agency or of an
4 examining, advisory, or disciplinary board has not heard a case
5 with the administrative law judge, any proposed decision
6 prepared by an administrative law judge of the Office is
7 subject to this Section and Section 10-45 of this Act.

8 (b) When an administrative law judge hears a case alone, he
9 or she must prepare a decision. The administrative law judge
10 must submit the decision to the agency or, in the case of
11 proceedings that an examining, advisory, or disciplinary board
12 is authorized by law to hear and make a recommended decision,
13 to the examining, advisory, or disciplinary board.

14 (c) When an administrative law judge hears a case with an
15 agency head or with an examining, advisory, or disciplinary
16 board, the administrative law judge must be present during the
17 consideration of the case and must, if requested by the agency
18 or by the board, prepare a proposed decision and submit it to
19 the agency or board.

20 (d) In reviewing a proposed decision submitted by an
21 administrative law judge of the Office, an agency head or an
22 examining, advisory, or disciplinary board is not bound by the
23 proposed decision and may adopt all, some, or none of the
24 proposed decision as its recommended decision. If the agency
25 head or examining, advisory, or disciplinary board does not

1 adopt the proposed decision in its entirety, it must either:
2 (i) recommend a decision in the case based upon the record,
3 including transcript; or (ii) remand the case to the same
4 administrative law judge to take additional evidence.

5 (e) If a case has been remanded to an administrative law
6 judge to take additional evidence or to include more detailed
7 findings of fact or conclusions of law, the administrative law
8 judge must prepare a proposed decision upon the additional
9 evidence, the transcript, and other papers that are part of the
10 record of the prior hearing, and must submit the proposed
11 decision to the agency or to the examining, advisory, or
12 disciplinary board. If the administrative law judge who heard
13 the case originally is unavailable to take the additional
14 evidence, by reason of illness, disability, or because he or
15 she is no longer employed by the Office, the Chief
16 Administrative Law Judge must assign a different
17 administrative law judge to take the additional evidence.

18 (5 ILCS 100/12-50 new)

19 Sec. 12-50. Transition.

20 (a) The Governor shall appoint a Chief Administrative Law
21 Judge to take office on July 1, 2018.

22 (b) No later than January 1, 2019, each State agency must
23 provide to the Chief Administrative Law Judge all relevant
24 information concerning its hearings. This information shall
25 include, but not be limited to, the following:

1 (1) hearing functions, including: (i) number of
2 hearings and current status; and (ii) federal and State
3 rules, regulations, and internal policies and procedures
4 related to each type of program for which administrative
5 hearings can be held;

6 (2) personnel used as: (i) administrative law judges,
7 hearing officers, hearing referees, or any other term used
8 to refer to those who conduct administrative hearings,
9 including contractors; and (ii) support staff or staff that
10 otherwise provides input or support to the hearing process;

11 (3) the appropriation and source of funding for all
12 positions, equipment, services, and travel used in the
13 hearing process; and

14 (4) all property, including leases, for personnel
15 involved in the hearing process.

16 (c) All personnel principally involved in administrative
17 hearings conducted by an agency subject to the provisions of
18 this Act for at least one year before July 1, 2018, must be
19 administratively transferred to the Office no later than June
20 30, 2019.

21 (d) All equipment or other tangible property, in possession
22 of agencies, used or held principally by personnel transferred
23 under the Section must be transferred to the Office not later
24 than July 1, 2019, unless the head of the agency and the Chief
25 Administrative Law Judge determine the equipment or property
26 will be more efficiently used by the agency if not

1 transferred.".