



Rep. Jay Hoffman

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10400HB1778ham001

LRB104 11002 JDS 23740 a

1 AMENDMENT TO HOUSE BILL 1778

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1778 by replacing  
3 everything after the enacting clause with the following:

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  
10 the provisions of this Act and the Act creating or conferring  
11 power on an agency, this Act shall control. If, however, an  
12 agency (or its predecessor in the case of an agency that has  
13 been consolidated or reorganized) has existing procedures on  
14 July 1, 1977, specifically for contested cases or licensing,  
15 those existing provisions control, except that this exception  
16 respecting contested cases and licensing does not apply if the

1 Act creating or conferring power on the agency adopts by  
2 express reference the provisions of this Act. Where the Act  
3 creating or conferring power on an agency establishes  
4 administrative procedures not covered by this Act, those  
5 procedures shall remain in effect.

6 (b) The provisions of this Act do not apply to (i)  
7 preliminary hearings, investigations, or practices where no  
8 final determinations affecting State funding are made by the  
9 State Board of Education, (ii) legal opinions issued under  
10 Section 2-3.7 of the School Code, (iii) as to State colleges  
11 and universities, their disciplinary and grievance  
12 proceedings, academic irregularity and capricious grading  
13 proceedings, and admission standards and procedures, and (iv)  
14 the class specifications for positions and individual position  
15 descriptions prepared and maintained under the Personnel Code.  
16 Those class specifications shall, however, be made reasonably  
17 available to the public for inspection and copying.

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

20 (1) Rules adopted by the Pollution Control Board that,  
21 in accordance with Section 7.2 of the Environmental  
22 Protection Act, are identical in substance to federal  
23 regulations or amendments to those regulations  
24 implementing the following: Sections 3001, 3002, 3003,  
25 3004, 3005, and 9003 of the Solid Waste Disposal Act;  
26 Section 105 of the Comprehensive Environmental Response,

1 Compensation, and Liability Act of 1980; Sections 307(b),  
2 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal  
3 Water Pollution Control Act; Sections 1412(b), 1414(c),  
4 1417(a), 1421, and 1445(a) of the Safe Drinking Water Act;  
5 and Section 109 of the Clean Air Act.

6 (2) Rules adopted by the Pollution Control Board that  
7 establish or amend standards for the emission of  
8 hydrocarbons and carbon monoxide from gasoline powered  
9 motor vehicles subject to inspection under the Vehicle  
10 Emissions Inspection Law of 2005 or its predecessor laws.

11 (3) Procedural rules adopted by the Pollution Control  
12 Board governing requests for exceptions under Section 14.2  
13 of the Environmental Protection Act.

14 (4) The Pollution Control Board's grant, pursuant to  
15 an adjudicatory determination, of an adjusted standard for  
16 persons who can justify an adjustment consistent with  
17 subsection (a) of Section 27 of the Environmental  
18 Protection Act.

19 (4.5) The Pollution Control Board's adoption of  
20 time-limited water quality standards under Section 38.5 of  
21 the Environmental Protection Act.

22 (5) Rules adopted by the Pollution Control Board that  
23 are identical in substance to the regulations adopted by  
24 the Office of the State Fire Marshal under clause (ii) of  
25 paragraph (b) of subsection (3) of Section 2 of the  
26 Gasoline Storage Act.

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

7           (e) Section 10-45 of this Act shall not apply to any  
8 hearing, proceeding, or investigation conducted under Section  
9 13-515 of the Public Utilities Act.

10           (f) Article 10 of this Act does not apply to any hearing,  
11 proceeding, or investigation conducted by the State Council  
12 for the State of Illinois created under Section 3-3-11.05 of  
13 the Unified Code of Corrections or by the Interstate  
14 Commission for Adult Offender Supervision created under the  
15 Interstate Compact for Adult Offender Supervision or by the  
16 Interstate Commission for Juveniles created under the  
17 Interstate Compact for Juveniles.

18           (g) This Act is subject to the provisions of Article XXI of  
19 the Public Utilities Act. To the extent that any provision of  
20 this Act conflicts with the provisions of that Article XXI,  
21 the provisions of that Article XXI control.

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

23           Section 10. The Personnel Code is amended by changing  
24 Section 8a as follows:

1 (20 ILCS 415/8a) (from Ch. 127, par. 63b108a)

2 Sec. 8a. Jurisdiction A; classification and pay. For  
3 positions in the State service subject to the jurisdiction of  
4 the Department of Central Management Services with respect to  
5 the classification and pay:

6 (1) For the preparation, maintenance, and revision by  
7 the Director, subject to approval by the Commission, of a  
8 position classification plan for all positions subject to  
9 this Code, based upon similarity of duties performed,  
10 responsibilities assigned, and conditions of employment so  
11 that the same schedule of pay may be equitably applied to  
12 all positions in the same class. However, the pay of an  
13 employee whose position is reduced in rank or grade by  
14 reallocation because of a loss of duties or  
15 responsibilities after his appointment to such position  
16 shall not be required to be lowered for a period of one  
17 year after the reallocation of his position. Conditions of  
18 employment shall not be used as a factor in the  
19 classification of any position heretofore paid under the  
20 provisions of Section 1.22 of "An Act to standardize  
21 position titles and salary rates", approved June 30, 1943,  
22 as amended. Unless the Commission disapproves such  
23 classification plan within 60 days, or any revision  
24 thereof within 30 days, the Director shall allocate every  
25 such position to one of the classes in the plan. Any  
26 employee affected by the allocation of a position to a

1 class shall, after filing with the Director of Central  
2 Management Services a written request for reconsideration  
3 thereof in such manner and form as the Director may  
4 prescribe, be given a reasonable opportunity to be heard  
5 by the Director. If the employee does not accept the  
6 allocation of the position, he shall then have the right  
7 of appeal to the Civil Service Commission.

8 (2) For a pay plan to be prepared by the Director for  
9 all employees subject to this Code after consultation with  
10 operating agency heads and the Director of the Governor's  
11 Office of Management and Budget. Such pay plan may include  
12 provisions for uniformity of starting pay, an increment  
13 plan, area differentials, a delay not to exceed one year  
14 prior to the reduction of the pay of employees whose  
15 positions are reduced in rank or grade by reallocation  
16 because of a loss of duties or responsibilities after  
17 their appointments to such positions, prevailing rates of  
18 wages in those classifications in which employers are now  
19 paying or may hereafter pay such rates of wage and other  
20 provisions. Such pay plan shall become effective only  
21 after it has been approved by the Governor. Amendments to  
22 the pay plan shall be made in the same manner. Such pay  
23 plan shall provide that each employee shall be paid at one  
24 of the rates set forth in the pay plan for the class of  
25 position in which he is employed, subject to delay in the  
26 reduction of pay of employees whose positions are reduced

1 in rank or grade by allocation as above set forth in this  
2 Section. Such pay plan shall provide for a fair and  
3 reasonable compensation for services rendered.

4 This Section is inapplicable to the position of Assistant  
5 Director of Healthcare and Family Services in the Department  
6 of Healthcare and Family Services. The salary for this  
7 position shall be as established in the Civil Administrative  
8 Code of Illinois.

9 The Department shall make publicly available on its  
10 website, or through other equivalent means, compensation  
11 information, including an explanation and summary of  
12 adjustments made to compensation since the last version of the  
13 compensation information was published and the effective date  
14 of those adjustments. The Department shall update the  
15 compensation information described in this paragraph as is  
16 reasonable, including within 120 days after ratification of  
17 any new collective bargaining agreement and throughout the  
18 calendar year when adjustments or other modifications are  
19 made.

20 (Source: P.A. 103-605, eff. 7-1-24.)".