



Rep. Jay Hoffman

Filed: 4/1/2025

10400HB1778ham002

LRB104 11002 BDA 24586 a

1 AMENDMENT TO HOUSE BILL 1778

2 AMENDMENT NO. _____. Amend House Bill 1778, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Administrative Procedure Act is
6 amended by changing Section 1-5 as follows:

7 (5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)

8 Sec. 1-5. Applicability.

9 (a) This Act applies to every agency as defined in this
10 Act. Beginning January 1, 1978, in case of conflict between
11 the provisions of this Act and the Act creating or conferring
12 power on an agency, this Act shall control. If, however, an
13 agency (or its predecessor in the case of an agency that has
14 been consolidated or reorganized) has existing procedures on
15 July 1, 1977, specifically for contested cases or licensing,
16 those existing provisions control, except that this exception

1 respecting contested cases and licensing does not apply if the
2 Act creating or conferring power on the agency adopts by
3 express reference the provisions of this Act. Where the Act
4 creating or conferring power on an agency establishes
5 administrative procedures not covered by this Act, those
6 procedures shall remain in effect.

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

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

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

1 Section 105 of the Comprehensive Environmental Response,
2 Compensation, and Liability Act of 1980; Sections 307(b),
3 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal
4 Water Pollution Control Act; Sections 1412(b), 1414(c),
5 1417(a), 1421, and 1445(a) of the Safe Drinking Water Act;
6 and Section 109 of the Clean Air Act.

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

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

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

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

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

1 Gasoline Storage Act.

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

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

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

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

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

24 Section 10. The Personnel Code is amended by changing
25 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

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

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

1 reduction of pay of employees whose positions are reduced
2 in rank or grade by allocation as above set forth in this
3 Section. Such pay plan shall provide for a fair and
4 reasonable compensation for services rendered.

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

10 The Department shall make publicly available on its
11 website, or through other equivalent means, the pay plan,
12 including an explanation and summary of adjustments made to
13 the pay plan since the last version of the pay plan was
14 published and the effective date of those adjustments. The
15 Department shall update the pay plan described in this
16 paragraph as is reasonable, including within 90 days after
17 ratification of any new collective bargaining agreement and
18 throughout the calendar year when adjustments or other
19 modifications are made.

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