



Sen. Bill Cunningham

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10400HB2667sam001

LRB104 11325 SPS 26475 a

1 AMENDMENT TO HOUSE BILL 2667

2 AMENDMENT NO. _____. Amend House Bill 2667 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 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

1 requestor.

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

5 (4) A current description of the agency's rulemaking
6 procedures with necessary flow charts depicting those
7 procedures.

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

10 (b) The rules required to be filed by this Section that
11 contain statements concerning only the internal management of
12 an agency and not affecting private rights or procedures
13 available to persons or entities outside the agency may be
14 adopted, amended, or repealed and filed as provided in this
15 Section instead of any other provisions or requirements of
16 this Act.

17 The rules required by this Section may be adopted,
18 amended, or repealed by filing a certified copy with the
19 Secretary of State under subsections (a) and (b) of Section
20 5-65 and may become effective immediately.

21 (c) Before filing a certified copy with the Secretary of
22 State as described in subsection (b) of this Section, an
23 agency shall give at least 14 days' notice of its intended
24 action to the general public. The notice period shall commence
25 on the first day the notice appears in the Illinois Register.
26 The notice shall include the information in paragraphs (1),

1 (2), (3), and (5) of subsection (b) of Section 5-40, a
2 statement of how the proposed rule made under this Section
3 satisfies the criteria established by subsections (a) and (b),
4 how to submit comments, and any other information that the
5 Secretary of State may, by rule, require in the interest of
6 informing the public.

7 During the notice period, the agency shall accept comments
8 from any interested persons. The agency shall accept
9 submissions in writing, including submissions by email or by
10 other publicly accessible electronic means through its
11 website. At the discretion of the agency, submissions may be
12 submitted orally. The agency shall consider all submissions
13 received.

14 After the notice period, the agency may make modifications
15 to the proposed rule in response to any comment received and
16 file a certified copy with the Secretary of State under
17 subsections (a) and (b) of Section 5-65. The notice of
18 adoption of required rules shall also include a description of
19 any modifications from the initially published proposal and
20 may include an immediate effective date.

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

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