



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2376

Introduced 2/10/2023, by Sen. Karina Villa

#### SYNOPSIS AS INTRODUCED:

5 ILCS 100/10-10	from Ch. 127, par. 1010-10
5 ILCS 100/10-25	from Ch. 127, par. 1010-25
5 ILCS 100/10-25.1 new	
5 ILCS 100/10-45	from Ch. 127, par. 1010-45
5 ILCS 100/10-50	from Ch. 127, par. 1010-50
5 ILCS 100/10-70	from Ch. 127, par. 1010-70
20 ILCS 405/600 new	

Provides that all agency rules establishing procedures for contested cases may include procedures for requesting language assistance. Provides that, in a contested case, all parties shall be afforded an opportunity for an administrative hearing after reasonable notice in the preferred spoken language of the parties, if known by the agency. Provides that notice for the administrative hearings shall include instructions at the top of the notice, written in, at a minimum, English, Spanish, Polish, Gujarati, Urdu, Mandarin, Cantonese, Korean, and Tagalog, for assistance in translating the contents of the notice, and a statement written in those languages. Defines "language assistance". Provides that the administrative law judge has the duty to inquire and determine if a participant in the hearing needs language assistance to participate in or understand the hearing. Provides that if an individual for whom English is a second language knows some English, it should not prohibit that individual from being allowed to receive language assistance. Provides that the examination of the individual believed to be in need of language assistance must be done on the record, and the conclusion of the administrative law judge must be stated on the record. Provides that any party or witness has the right to request language assistance to participate in or understand the hearing at any time during the course of the hearing. Creates qualifications for the certification of administrative hearing interpreters.

LRB103 28553 DTM 54934 b

1 AN ACT concerning State 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 Sections 10-10, 10-25, 10-45, 10-50, and  
6 10-70 and by adding Section 10-25.1 as follows:

7 (5 ILCS 100/10-10) (from Ch. 127, par. 1010-10)

8 Sec. 10-10. Components of rules. All agency rules  
9 establishing procedures for contested cases shall at a minimum  
10 comply with the provisions of this Article 10. In addition,  
11 agency rules establishing procedures may include, but need not  
12 be limited to, the following components: pre-hearing  
13 conferences, representation interview or deposition  
14 procedures, default procedures, selection of administrative  
15 law judges, the form of the final order, the standard of proof  
16 used, which agency official makes the final decision,  
17 representation of parties, procedure for requesting language  
18 assistance, subpoena request procedures, discovery and  
19 protective order procedures, and any review or appeal process  
20 within the agency.

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

22 (5 ILCS 100/10-25) (from Ch. 127, par. 1010-25)

1           Sec. 10-25. Contested cases; notice; hearing.

2           (a) In a contested case, all parties shall be afforded an  
3 opportunity for a hearing after reasonable notice in the  
4 preferred spoken language of the parties, if known by the  
5 agency. The notice shall be served personally, by certified or  
6 registered mail, by email as provided by Section 10-75, or as  
7 otherwise provided by law upon the parties or their agents  
8 appointed to receive service of process and shall include the  
9 following:

10           (1) A statement of the time, place, and nature of the  
11 hearing.

12           (2) A statement of the legal authority and  
13 jurisdiction under which the hearing is to be held.

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

16           (4) Except where a more detailed statement is  
17 otherwise provided for by law, a short and plain statement  
18 of the matters asserted, the consequences of a failure to  
19 respond, and the official file or other reference number.

20           (5) To the extent such information is available, the  
21 names, phone numbers, email addresses, and mailing  
22 addresses of the administrative law judge or designated  
23 agency contact, the parties, and all other persons to whom  
24 the agency gives notice of the hearing unless otherwise  
25 confidential by law.

26           (6) Instructions at the top of the notice, written in,

1 at a minimum, English, Spanish, Polish, Gujarati, Urdu,  
2 Mandarin, Cantonese, Korean, and Tagalog, for assistance  
3 in translating the contents of the notice.

4 (7) A statement written in, at a minimum, English,  
5 Spanish, Polish, Gujarati, Urdu, Mandarin, Cantonese,  
6 Korean, and Tagalog, of the right to request an  
7 interpreter for the hearing.

8 (b) An opportunity shall be afforded all parties to be  
9 represented by legal counsel and to respond and present  
10 evidence and argument.

11 (c) Unless precluded by law, disposition may be made of  
12 any contested case by stipulation, agreed settlement, consent  
13 order, or default.

14 (Source: P.A. 100-880, eff. 1-1-19; 101-81, eff. 7-12-19.)

15 (5 ILCS 100/10-25.1 new)

16 Sec. 10-25.1. Language Assistance.

17 (a) "Language assistance" means oral interpretation or  
18 written or sight translation into English of a language other  
19 than English or of English into another language for a party or  
20 witness who cannot speak or understand English or who can do so  
21 only with difficulty. "Sight translation" means the reading of  
22 text written in one language by an interpreter who orally  
23 translates it into another language.

24 (b) The administrative law judge has the duty to inquire  
25 and determine if a participant in the hearing needs language

1 assistance to participate in or understand the hearing. The  
2 fact that an individual for whom English is a second language  
3 knows some English should not prohibit that individual from  
4 being allowed to receive language assistance. The examination  
5 of the individual believed to be in need of language  
6 assistance must be done on the record, and the conclusion of  
7 the administrative law judge must be stated on the record.

8 (c) Any party or witness has the right to request language  
9 assistance to participate in or understand the hearing at any  
10 time during the course of the hearing.

11 (d) When language assistance is requested or determined to  
12 be necessary by the administrative law judge, the agency must  
13 appoint a certified, registered, or qualified interpreter, at  
14 no cost to the person in need of the assistance. If it appears  
15 that language assistance is needed but interpreters are not  
16 available for the scheduled hearing, the administrative law  
17 judge shall continue or postpone the hearing until appropriate  
18 services can be provided. An unregistered interpreter should  
19 be appointed only if the agency made reasonable efforts to  
20 obtain a certified, registered, or qualified interpreter and  
21 is not reasonably available. If the agency appoints an  
22 unregistered interpreter, the administrative law judge must  
23 examine the interpreter on the record to ensure the  
24 interpreter is qualified to interpret in the hearing, has  
25 proficiency in English and the foreign language, and does not  
26 present a conflict of interest.

1           (1) Interpreters on the registry established pursuant  
2           to Section 405-600 of the Department of Central Management  
3           Services Law must be certified, registered, or qualified  
4           for purposes of this Section.

5           (2) Court interpreters on the registry established  
6           pursuant to the Illinois Supreme Court Language Access  
7           Policy recommended lists of court interpreters must be  
8           certified, registered, or qualified for purposes of this  
9           Section.

10          (e) The appointed interpreter must swear or affirm that he  
11          or she:

12           (1) will make a true interpretation in an  
13           understandable manner to the person for whom the  
14           interpreter has been appointed;

15           (2) will repeat the statements of the person in need  
16           of interpretation assistance in the English language to  
17           the best of his or her ability;

18           (3) has not had any involvement in the issues of the  
19           case before the hearing; and

20           (4) will not disclose privileged or confidential  
21           communications to any person.

22          (f) If the party or witness in need of interpretation or an  
23          attorney or advocate involved in the proceeding concludes that  
24          the appointed interpreter is not interpreting communications  
25          correctly, they may request the appointment of a different  
26          interpreter.

1 (5 ILCS 100/10-45) (from Ch. 127, par. 1010-45)

2 Sec. 10-45. Proposal for decision. Except where otherwise  
3 expressly provided by law, when in a contested case a majority  
4 of the officials of the agency who are to render the final  
5 decision has not heard the case or read the record, the  
6 decision, if adverse to a party to the proceeding other than  
7 the agency, shall not be made until a proposal for decision is  
8 served upon the parties and an opportunity is afforded to each  
9 party adversely affected to file exceptions and to present a  
10 brief and, if the agency so permits, oral argument to the  
11 agency officials who are to render the decision. The proposal  
12 for decision shall contain a statement of the reasons therefor  
13 and of each issue of fact or law necessary to the proposed  
14 decision and shall be prepared by the persons who conducted  
15 the hearing or one who has read the record. Where an  
16 interpreter is appointed for a party in the hearing under  
17 Section 10-25.1, the agency must provide a translation of the  
18 proposal for decision or provide an interpreter for sight  
19 translation of the proposal for decision to the party needing  
20 language assistance.

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

22 (5 ILCS 100/10-50) (from Ch. 127, par. 1010-50)

23 Sec. 10-50. Decisions and orders.

24 (a) A final decision or order adverse to a party (other

1 than the agency) in a contested case shall be in writing or  
2 stated in the record. A final decision shall include findings  
3 of fact and conclusions of law, separately stated. Findings of  
4 fact, if set forth in statutory language, shall be accompanied  
5 by a concise and explicit statement of the underlying facts  
6 supporting the findings. If, in accordance with agency rules,  
7 a party submitted proposed findings of fact, the decision  
8 shall include a ruling upon each proposed finding. Parties or  
9 their agents appointed to receive service of process shall be  
10 notified either personally, by registered or certified mail,  
11 by email as provided by Section 10-75, or as otherwise  
12 provided by law. Upon request a copy of the decision or order  
13 shall be delivered or mailed forthwith to each party and to his  
14 attorney of record. Where an interpreter is appointed for a  
15 party in the hearing under Section 10-25.1, the agency must  
16 provide a translation of the proposal for decision or provide  
17 an interpreter to sight translate the proposal for decision to  
18 the party needing language assistance.

19 (b) All agency orders shall specify whether they are final  
20 and subject to the Administrative Review Law. Every final  
21 order shall contain a list of all parties of record to the case  
22 including the name and address of the agency or officer  
23 entering the order and the addresses of each party as known to  
24 the agency where the parties may be served with pleadings,  
25 notices, or service of process for any review or further  
26 proceedings. Every final order shall also state whether the



1 rules of the agency require any motion or request for  
2 reconsideration and cite the rule for the requirement. The  
3 changes made by this amendatory Act of the 100th General  
4 Assembly apply to all actions filed under the Administrative  
5 Review Law on or after the effective date of this amendatory  
6 Act of the 100th General Assembly.

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

14 (Source: P.A. 100-212, eff. 8-18-17; 100-880, eff. 1-1-19;  
15 101-81, eff. 7-12-19.)

16 (5 ILCS 100/10-70) (from Ch. 127, par. 1010-70)

17 Sec. 10-70. Waiver.

18 (a) Compliance with any or all of the provisions of this  
19 Act concerning contested cases may be waived by written  
20 stipulation of all parties.

21 (b) Where an administrative law judge has determined that  
22 a party needs language assistance to understand or participate  
23 in the hearing under Section 10-25.1, the parties must include  
24 a signed written stipulation in the preferred language of the  
25 party in need of language assistance.

1       (c) A written stipulation waiving any of the provisions in  
2       Sections 10-25, 10-25.1, 10-45, and 10-50 of this Act about  
3       language assistance may be withdrawn by the party in need of  
4       language assistance by oral declaration at hearing or in a  
5       written declaration at any time. A withdrawal of the waiver,  
6       in compliance with this subsection (c), will require  
7       compliance of the language assistance provisions of this Act  
8       going forward in the proceeding.

9       (Source: P.A. 87-823.)

10       Section 10. The Department of Central Management Services  
11       Law of the Civil Administrative Code of Illinois is amended by  
12       adding Section 600 as follows:

13       (20 ILCS 405/600 new)

14       Sec. 600. Certification of administrative hearing  
15       interpreters.

16       (a) The Department shall compile, maintain, and  
17       disseminate a current registry of foreign language  
18       interpreters certified, qualified, and registered by the  
19       Department that meet the minimum standards in interpreting  
20       skills and linguistic abilities developed by the Department.  
21       Any certified, qualified, and registered interpreter listed  
22       may be examined by each employing agency to determine the  
23       interpreter's knowledge of the employing agency's technical  
24       program terminology and procedures. For purposes of this

1 section, the following definitions apply:

2 (1) "Certified interpreter" means a foreign language  
3 interpreter certified pursuant to the program established  
4 by the Department and listed on the Department's statewide  
5 registry.

6 (2) "Qualified interpreter" means a foreign language  
7 interpreter qualified pursuant to the program established  
8 by the Department and listed on the Department's statewide  
9 registry.

10 (3) "Registered interpreter" means a foreign language  
11 interpreter registered pursuant to the program established  
12 by the Department and listed on the Department's statewide  
13 registry.

14 (b) The Department shall designate the languages for  
15 certification. The Department may stop providing an  
16 examination for the certification of a language if it finds  
17 that there is an insufficient need for interpreting assistance  
18 in the language using the criteria in subsection (c).

19 (c) The language designations shall be based on the  
20 following:

21 (1) The language needs of non-English-speaking persons  
22 appearing before the administrative agencies as determined  
23 by consultation with the agencies.

24 (2) The cost of developing a language examination.

25 (3) The availability of experts needed to develop a  
26 language examination.

1           (4) Other information the department deems relevant.

2           (d) The Department may charge reasonable fees to  
3 interpreters for applying, testing, training, certification,  
4 registration, and renewal of registration.