

SB1768



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1768

Introduced 2/5/2025, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

5 ILCS 100/5-15
5 ILCS 100/5-75

from Ch. 127, par. 1005-15
from Ch. 127, par. 1005-75

Amends the Illinois Administrative Procedure Act. Deletes a provision that authorized certain rules to be adopted, amended, or repealed by filing a certified copy with the Secretary of State. Deletes a corresponding cross-reference in a provision concerning the incorporation by reference of certain materials in rules adopted by a State agency.

LRB104 11328 BDA 21415 b

A BILL FOR

1 AN ACT concerning 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 5-15 and 5-75 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) A current description of the agency's organization
10 with necessary charts depicting that organization.

11 (2) The current procedures by which the public can
12 obtain information or make submissions or requests on
13 subjects, programs, and activities of the agency. Requests
14 for copies of agency rules shall not be deemed Freedom of
15 Information Act requests unless so labeled by the
16 requestor.

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

20 (4) A current description of the agency's rulemaking
21 procedures with necessary flow charts depicting those
22 procedures.

23 (5) Any rules adopted under this Section in accordance

1 with Sections 5-75 and 10-20 of this Act.

2 (b) The rules required to be filed by this Section may be
3 adopted, amended, or repealed and filed as provided in ~~this~~
4 Section 5-35 ~~instead of any other provisions or requirements~~
5 of this Act.

6 ~~The rules required by this Section may be adopted,~~
7 ~~amended, or repealed by filing a certified copy with the~~
8 ~~Secretary of State under subsections (a) and (b) of Section~~
9 ~~5-65 and may become effective immediately.~~

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

11 (5 ILCS 100/5-75) (from Ch. 127, par. 1005-75)

12 Sec. 5-75. Incorporation by reference.

13 (a) An agency may incorporate by reference, in its rules
14 adopted under Section 5-35, rules, regulations, standards, and
15 guidelines of an agency of the United States or a nationally or
16 state recognized organization or association without
17 publishing the incorporated material in full. The reference in
18 the agency rules must fully identify the incorporated matter
19 by publisher address and date in order to specify how a copy of
20 the material may be obtained and must state that the rule,
21 regulation, standard, or guideline does not include any later
22 amendments or editions. An agency may incorporate by reference
23 these matters in its rules only if the agency, organization,
24 or association originally issuing the matter makes copies
25 readily available to the public. This Section does not apply

1 to any agency internal manual.

2 For any law imposing taxes on or measured by income, the
3 Department of Revenue may promulgate rules that include
4 incorporations by reference of federal rules or regulations
5 without identifying the incorporated matter by date and
6 without including a statement that the incorporation does not
7 include later amendments.

8 (b) Use of the incorporation by reference procedure under
9 this Section shall be reviewed by the Joint Committee on
10 Administrative Rules during the rulemaking process as set
11 forth in this Act.

12 (c) The agency adopting a rule, regulation, standard, or
13 guideline under this Section shall maintain a copy of the
14 referenced rule, regulation, standard, or guideline in at
15 least one of its principal offices and shall make it available
16 to the public upon request for inspection and copying at no
17 more than cost. Requests for copies of materials incorporated
18 by reference shall not be deemed Freedom of Information Act
19 requests unless so labeled by the requestor. The agency shall
20 designate by rule the agency location at which incorporated
21 materials are maintained and made available to the public for
22 inspection and copying. ~~The These rules may be adopted under~~
23 ~~the procedures in Section 5-15. In addition, the agency may~~
24 include the designation of the agency location of incorporated
25 materials in a rulemaking under Section 5-35, but emergency
26 and peremptory rulemaking procedures may not be used solely

1 for this purpose.

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