

1 AN ACT in relation to administrative procedure.

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 Section 5-145 as follows:

6 (5 ILCS 100/5-145) (from Ch. 127, par. 1005-145)

7 Sec. 5-145. Request for adoption of rules.

8 (a) An agency shall, in accordance with Section 5-35,
9 adopt rules that implement recently enacted legislation of
10 the General Assembly in a timely and expeditious manner.

11 (b) Any interested person may request an agency to
12 adopt, amend, or repeal a rule. Except as otherwise indicated
13 in this subsection, each agency shall prescribe by rule the
14 procedure for consideration and disposition of the person's
15 request. If, within 30 days after submission of a request,
16 the agency has not initiated rulemaking proceedings in
17 accordance with Section 5-35, the request shall be deemed to
18 have been denied granted. A denial of a request must be made
19 in writing and must state the reasons for the denial. Upon
20 denial, the person making the request may appeal the denial
21 to the Governor. Upon receipt of the appeal, the Governor has
22 30 days answer the appeal by either ordering a hearing by the
23 agency on the request or upholding the denial in writing. Any
24 such denial shall state the reasons for the denial. If the
25 Governor does not answer within 30 days upon receipt of the
26 appeal it will be deemed to be an order by the Governor to
27 the agency to hold a hearing on the request. Any order by the
28 Governor to hold a hearing on a request must be complied with
29 by the agency within 30 days of the order.

30 (Source: P.A. 87-823; 88-667, eff. 9-16-94.)