



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3085

by Rep. Peter Breen

SYNOPSIS AS INTRODUCED:

5 ILCS 100/10-25	from Ch. 127, par. 1010-25
5 ILCS 100/10-50	from Ch. 127, par. 1010-50
5 ILCS 100/10-75 new	

Amends the Illinois Administrative Procedure Act. Provides that notice to parties in a contested case under the Act shall be served, among other forms of service, by electronic mail. Provides that parties in a contested case under the Act shall be notified, among other forms of notification, by electronic mail of any decision or order in that case. Provides that an agency may require all attorneys to designate an electronic mail address to which all documents required under certain specified Sections may be transmitted. Provides that if an attorney is required to designate an electronic mail address, he or she must designate one primary electronic mail address, and may designate no more than 2 secondary electronic mail addresses. Provides that an agency may request, but not require, an unrepresented party to designate an electronic mail address to which all documents required under certain specified Sections may be transmitted. Allows an agency to, by rule, make electronic mail the default option for service of documents. Provides that service by electronic mail is complete on the first business day following transmission.

LRB100 09636 RJF 19805 b

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 10-25 and 10-50 and by adding
6 Section 10-75 as follows:

7 (5 ILCS 100/10-25) (from Ch. 127, par. 1010-25)

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

9 (a) In a contested case, all parties shall be afforded an
10 opportunity for a hearing after reasonable notice. The notice
11 shall be served personally, served ~~or~~ by certified or
12 registered mail, served by electronic mail, or served as
13 otherwise provided by law upon the parties or their agents
14 appointed to receive service of process and shall include the
15 following:

16 (1) A statement of the time, place, and nature of the
17 hearing.

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

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

22 (4) Except where a more detailed statement is otherwise
23 provided for by law, a short and plain statement of the

1 matters asserted, the consequences of a failure to respond,
2 and the official file or other reference number.

3 (5) The names and mailing addresses of the
4 administrative law judge, all parties, and all other
5 persons to whom the agency gives notice of the hearing
6 unless otherwise confidential by law.

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

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

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

14 (5 ILCS 100/10-50) (from Ch. 127, par. 1010-50)

15 Sec. 10-50. Decisions and orders.

16 (a) A final decision or order adverse to a party (other
17 than the agency) in a contested case shall be in writing or
18 stated in the record. A final decision shall include findings
19 of fact and conclusions of law, separately stated. Findings of
20 fact, if set forth in statutory language, shall be accompanied
21 by a concise and explicit statement of the underlying facts
22 supporting the findings. If, in accordance with agency rules, a
23 party submitted proposed findings of fact, the decision shall
24 include a ruling upon each proposed finding. Parties or their
25 agents appointed to receive service of process shall be

1 notified either personally, ~~or~~ by registered or certified mail, or by electronic mail of any decision or order. Upon request a
2 copy of the decision or order shall be delivered or mailed
3 forthwith to each party and to his attorney of record.

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5 (b) All agency orders shall specify whether they are final
6 and subject to the Administrative Review Law.

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. 92-16, eff. 6-28-01.)

15 (5 ILCS 100/10-75 new)

16 Sec. 10-75. Service by electronic mail.

17 (a) An agency may require all attorneys to designate an
18 electronic mail address to which all documents required under
19 Sections 10-25 and 10-50 may be transmitted. If required to
20 designate an electronic mail address, an attorney must
21 designate one primary electronic mail address, and may
22 designate no more than 2 secondary electronic mail addresses.

23 (b) An agency may request, but not require, an
24 unrepresented party to designate an electronic mail address to
25 which all documents required under Sections 10-25 and 10-50 may

1 be transmitted. An agency may by rule make electronic mail the
2 default option for service of documents.

3 (c) Service by electronic mail is complete on the first
4 business day following transmission.