



Sen. Jim Oberweis

Filed: 3/1/2017

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LRB100 09635 RJF 22536 a

1 AMENDMENT TO SENATE BILL 951

2 AMENDMENT NO. _____. Amend Senate Bill 951 by replacing
3 everything after the enacting clause with the following:

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

1 hearing.

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

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

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

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

14 (b) An opportunity shall be afforded all parties to be
15 represented by legal counsel and to respond and present
16 evidence and argument.

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

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

21 (5 ILCS 100/10-50) (from Ch. 127, par. 1010-50)

22 Sec. 10-50. Decisions and orders.

23 (a) A final decision or order adverse to a party (other
24 than the agency) in a contested case shall be in writing or
25 stated in the record. A final decision shall include findings

1 of fact and conclusions of law, separately stated. Findings of
2 fact, if set forth in statutory language, shall be accompanied
3 by a concise and explicit statement of the underlying facts
4 supporting the findings. If, in accordance with agency rules, a
5 party submitted proposed findings of fact, the decision shall
6 include a ruling upon each proposed finding. Parties or their
7 agents appointed to receive service of process shall be
8 notified either personally, ~~or~~ by registered or certified mail,
9 or by electronic mail of any decision or order. Upon request a
10 copy of the decision or order shall be delivered or mailed
11 forthwith to each party and to his attorney of record.

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

14 (c) A decision by any agency in a contested case under this
15 Act shall be void unless the proceedings are conducted in
16 compliance with the provisions of this Act relating to
17 contested cases, except to the extent those provisions are
18 waived under Section 10-70 and except to the extent the agency
19 has adopted its own rules for contested cases as authorized in
20 Section 1-5.

21 (Source: P.A. 92-16, eff. 6-28-01.)

22 (5 ILCS 100/10-75 new)

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

24 (a) An agency may require all attorneys to designate an
25 electronic mail address to which all documents required under

1 Sections 10-25 and 10-50 may be transmitted. If required to
2 designate an electronic mail address, an attorney must
3 designate one primary electronic mail address, and may
4 designate no more than 2 secondary electronic mail addresses.

5 (b) An agency may request, but not require, unless
6 otherwise required by law, an unrepresented party to designate
7 an electronic mail address to which all documents required
8 under Sections 10-25 and 10-50 may be transmitted. An agency
9 may by rule make electronic mail the default option for service
10 of documents.

11 (c) Service by electronic mail is complete on the first
12 business day following transmission."