



Rep. Theresa Mah

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10300HB3050ham001

LRB103 30937 DTM 57922 a

1 AMENDMENT TO HOUSE BILL 3050

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3050 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 10-10, 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,

1 representation of parties, procedure for requesting language  
2 assistance, subpoena request procedures, discovery and  
3 protective order procedures, and any review or appeal process  
4 within the agency.

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

6 (5 ILCS 100/10-25) (from Ch. 127, par. 1010-25)

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

8 (a) In a contested case, all parties shall be afforded an  
9 opportunity for a hearing after reasonable notice in the  
10 preferred spoken language of the parties, if known by the  
11 agency. The notice shall be served personally, by certified or  
12 registered mail, by email as provided by Section 10-75, or 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  
19 jurisdiction 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  
23 otherwise provided for by law, a short and plain statement  
24 of the matters asserted, the consequences of a failure to  
25 respond, and the official file or other reference number.

1           (5) To the extent such information is available, the  
2 names, phone numbers, email addresses, and mailing  
3 addresses of the administrative law judge or designated  
4 agency contact, the parties, and all other persons to whom  
5 the agency gives notice of the hearing unless otherwise  
6 confidential by law.

7           (6) Instructions at the top of the notice, written in,  
8 at a minimum, English, Spanish, Polish, Gujarati, Urdu,  
9 Mandarin, Cantonese, Korean, and Tagalog, for receiving  
10 language assistance in translating the contents of the  
11 notice.

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

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

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

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

23           (5 ILCS 100/10-25.1 new)

24           Sec. 10-25.1. Language Assistance.

25           (a) "Language assistance" means oral interpretation or

1 written or sight translation into English of a language other  
2 than English or of English into another language for a party or  
3 witness who cannot speak or understand English or who can do so  
4 only with difficulty. "Sight translation" means the reading of  
5 text written in one language by an interpreter who orally  
6 translates it into another language.

7 (b) The administrative law judge has the duty to inquire  
8 and determine if a participant in the hearing needs language  
9 assistance to participate in or understand the hearing. The  
10 fact that an individual for whom English is a second language  
11 knows some English should not prohibit that individual from  
12 being allowed to receive language assistance. The examination  
13 of the individual believed to be in need of language  
14 assistance must be done on the record, and the conclusion of  
15 the administrative law judge must be stated on the record.

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

19 (d) When language assistance is requested or determined to  
20 be necessary by the administrative law judge, the agency must  
21 appoint a certified, registered, or qualified interpreter, at  
22 no cost to the person in need of the assistance. If it appears  
23 that language assistance is needed but interpreters are not  
24 available for the scheduled hearing, the administrative law  
25 judge shall continue or postpone the hearing until appropriate  
26 services can be provided. An unregistered interpreter should

1 be appointed only if the agency made reasonable efforts to  
2 obtain a certified, registered, or qualified interpreter and  
3 is not reasonably available. If the agency appoints an  
4 unregistered interpreter, the administrative law judge must  
5 examine the interpreter on the record to ensure the  
6 interpreter is qualified to interpret in the hearing, has  
7 proficiency in English and the foreign language, and does not  
8 present a conflict of interest.

9 (1) Interpreters on the registry established pursuant  
10 to Section 405-600 of the Department of Central Management  
11 Services Law are certified, registered, or qualified for  
12 purposes of this Section.

13 (2) Court interpreters on the registry established  
14 pursuant to the Illinois Supreme Court Language Access  
15 Policy recommended lists of court interpreters are  
16 certified, registered, or qualified for purposes of this  
17 Section.

18 (e) The appointed interpreter must swear or affirm that he  
19 or she:

20 (1) will make a true interpretation in an  
21 understandable manner to the person for whom the  
22 interpreter has been appointed;

23 (2) will repeat the statements of the person in need  
24 of interpretation assistance in the English language to  
25 the best of his or her ability;

26 (3) has not had any involvement in the issues of the

1 case before the hearing; and

2 (4) will not disclose privileged or confidential  
3 communications to any person.

4 (f) If the party or witness in need of interpretation or an  
5 attorney or advocate involved in the proceeding concludes that  
6 the appointed interpreter is not interpreting communications  
7 correctly, they may request the appointment of a different  
8 interpreter.

9 (5 ILCS 100/10-45) (from Ch. 127, par. 1010-45)

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

1 proposal for decision or provide an interpreter for sight  
2 translation of the proposal for decision to the party needing  
3 language assistance.

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

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

6 Sec. 10-50. Decisions and orders.

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

1 (b) All agency orders shall specify whether they are final  
2 and subject to the Administrative Review Law. Every final  
3 order shall contain a list of all parties of record to the case  
4 including the name and address of the agency or officer  
5 entering the order and the addresses of each party as known to  
6 the agency where the parties may be served with pleadings,  
7 notices, or service of process for any review or further  
8 proceedings. Every final order shall also state whether the  
9 rules of the agency require any motion or request for  
10 reconsideration and cite the rule for the requirement. The  
11 changes made by this amendatory Act of the 100th General  
12 Assembly apply to all actions filed under the Administrative  
13 Review Law on or after the effective date of this amendatory  
14 Act of the 100th General Assembly.

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

22 (Source: P.A. 100-212, eff. 8-18-17; 100-880, eff. 1-1-19;  
23 101-81, eff. 7-12-19.)

24 (5 ILCS 100/10-70) (from Ch. 127, par. 1010-70)

25 Sec. 10-70. Waiver.



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

4       (b) Where an administrative law judge has determined that  
5 a party needs language assistance to understand or participate  
6 in the hearing under Section 10-25.1, the parties must include  
7 a signed written stipulation in the preferred language of the  
8 party in need of language assistance.

9       (c) A written stipulation waiving any of the provisions in  
10 Sections 10-25, 10-25.1, 10-45, and 10-50 of this Act about  
11 language assistance may be withdrawn by the party in need of  
12 language assistance by oral declaration at hearing or in a  
13 written declaration at any time. A withdrawal of the waiver,  
14 in compliance with this subsection (c), will require  
15 compliance of the language assistance provisions of this Act  
16 going forward in the proceeding.

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

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

21       (20 ILCS 405/600 new)

22       Sec. 600. Certification of administrative hearing  
23 interpreters.

24       (a) The Department shall compile, maintain, and

1 disseminate a current registry of foreign language  
2 interpreters certified, qualified, and registered by the  
3 Department that meet the minimum standards in interpreting  
4 skills and linguistic abilities developed by the Department.  
5 Any certified, qualified, and registered interpreter listed  
6 may be examined by each employing agency to determine the  
7 interpreter's knowledge of the employing agency's technical  
8 program terminology and procedures. For purposes of this  
9 section, the following definitions apply:

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

14 (2) "Qualified interpreter" means a foreign language  
15 interpreter qualified pursuant to the program established  
16 by the Department and listed on the Department's statewide  
17 registry.

18 (3) "Registered interpreter" means a foreign language  
19 interpreter registered pursuant to the program established  
20 by the Department and listed on the Department's statewide  
21 registry.

22 (b) The Department shall designate the languages for  
23 certification. The Department may stop providing an  
24 examination for the certification of a language if it finds  
25 that there is an insufficient need for interpreting assistance  
26 in the language using the criteria in subsection (c).

1       (c) The language designations shall be based on the  
2 following:

3           (1) The language needs of non-English-speaking persons  
4 appearing before the administrative agencies as determined  
5 by consultation with the agencies.

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

7           (3) The availability of experts needed to develop a  
8 language examination.

9           (4) Other information the department deems relevant.

10       (d) The Department may charge reasonable fees to  
11 interpreters for applying, testing, training, certification,  
12 registration, and renewal of registration."