



Sen. Don Harmon

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09500SB2640sam003

LRB095 12681 RCE 49463 a

1 AMENDMENT TO SENATE BILL 2640

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2640, AS AMENDED,  
3 immediately below the enacting clause, by inserting the  
4 following:

5 "Section 3. The Illinois Administrative Procedure Act is  
6 amended by changing Section 1-5 as follows:

7 (5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)

8 Sec. 1-5. Applicability.

9 (a) This Act applies to every agency as defined in this  
10 Act. Beginning January 1, 1978, in case of conflict between the  
11 provisions of this Act and the Act creating or conferring power  
12 on an agency, this Act shall control. If, however, an agency  
13 (or its predecessor in the case of an agency that has been  
14 consolidated or reorganized) has existing procedures on July 1,  
15 1977, specifically for contested cases or licensing, those  
16 existing provisions control, except that this exception

1     respecting contested cases and licensing does not apply if the  
2     Act creating or conferring power on the agency adopts by  
3     express reference the provisions of this Act. Where the Act  
4     creating or conferring power on an agency establishes  
5     administrative procedures not covered by this Act, those  
6     procedures shall remain in effect.

7           (b) The provisions of this Act do not apply to (i)  
8     preliminary hearings, investigations, or practices where no  
9     final determinations affecting State funding are made by the  
10    State Board of Education, (ii) legal opinions issued under  
11    Section 2-3.7 of the School Code, (iii) as to State colleges  
12    and universities, their disciplinary and grievance  
13    proceedings, academic irregularity and capricious grading  
14    proceedings, and admission standards and procedures, and (iv)  
15    the class specifications for positions and individual position  
16    descriptions prepared and maintained under the Personnel Code.  
17    Those class specifications shall, however, be made reasonably  
18    available to the public for inspection and copying. The  
19    provisions of this Act do not apply to hearings under Section  
20    20 of the Uniform Disposition of Unclaimed Property Act.

21           (c) Section 5-35 of this Act relating to procedures for  
22    rulemaking does not apply to the following:

23           (1) Rules adopted by the Pollution Control Board that,  
24           in accordance with Section 7.2 of the Environmental  
25           Protection Act, are identical in substance to federal  
26           regulations or amendments to those regulations

1 implementing the following: Sections 3001, 3002, 3003,  
2 3004, 3005, and 9003 of the Solid Waste Disposal Act;  
3 Section 105 of the Comprehensive Environmental Response,  
4 Compensation, and Liability Act of 1980; Sections 307(b),  
5 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal  
6 Water Pollution Control Act; and Sections 1412(b),  
7 1414(c), 1417(a), 1421, and 1445(a) of the Safe Drinking  
8 Water Act.

9 (2) Rules adopted by the Pollution Control Board that  
10 establish or amend standards for the emission of  
11 hydrocarbons and carbon monoxide from gasoline powered  
12 motor vehicles subject to inspection under ~~Section 13A-105~~  
13 ~~of the Vehicle Emissions Inspection Law and rules adopted~~  
14 ~~under Section 13B-20 of the Vehicle Emissions Inspection~~  
15 ~~Law of 2005 or its predecessor laws 1995.~~

16 (3) Procedural rules adopted by the Pollution Control  
17 Board governing requests for exceptions under Section 14.2  
18 of the Environmental Protection Act.

19 (4) The Pollution Control Board's grant, pursuant to an  
20 adjudicatory determination, of an adjusted standard for  
21 persons who can justify an adjustment consistent with  
22 subsection (a) of Section 27 of the Environmental  
23 Protection Act.

24 (5) Rules adopted by the Pollution Control Board that  
25 are identical in substance to the regulations adopted by  
26 the Office of the State Fire Marshal under clause (ii) of

1 paragraph (b) of subsection (3) of Section 2 of the  
2 Gasoline Storage Act.

3 (d) Pay rates established under Section 8a of the Personnel  
4 Code shall be amended or repealed pursuant to the process set  
5 forth in Section 5-50 within 30 days after it becomes necessary  
6 to do so due to a conflict between the rates and the terms of a  
7 collective bargaining agreement covering the compensation of  
8 an employee subject to that Code.

9 (e) Section 10-45 of this Act shall not apply to any  
10 hearing, proceeding, or investigation conducted under Section  
11 13-515 of the Public Utilities Act.

12 (f) Article 10 of this Act does not apply to any hearing,  
13 proceeding, or investigation conducted by the State Council for  
14 the State of Illinois created under Section 3-3-11.05 of the  
15 Unified Code of Corrections or by the Interstate Commission for  
16 Adult Offender Supervision created under the Interstate  
17 Compact for Adult Offender Supervision.

18 (g) This Act is subject to the provisions of Article XXI of  
19 the Public Utilities Act. To the extent that any provision of  
20 this Act conflicts with the provisions of that Article XXI, the  
21 provisions of that Article XXI control.

22 (h) Section 10-65(b) of this Act shall not apply to any  
23 Clean Air Act Permitting Program permit issued by the Illinois  
24 Environmental Protection Agency under Section 39.5 of the  
25 Environmental Protection Act.

26 (Source: P.A. 95-9, eff. 6-30-07; 95-331, eff. 8-21-07; revised

1 1-30-08.)"; and

2 in Section 5, in Sec. 40.2, after the end of subsection (f), by  
3 inserting the following:

4 "(g) Section 10-65(b) of the Illinois Administrative  
5 Procedure Act does not apply to any CAAPP permit issued by the  
6 Agency under Section 39.5 of this Act."