



Rep. Theresa Mah

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10300HB5172ham001

LRB103 38136 BDA 72638 a

1 AMENDMENT TO HOUSE BILL 5172

2 AMENDMENT NO. _____. Amend House Bill 5172 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, and 10-70 and by
6 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, procedures for requesting and
2 receiving language access services, subpoena request
3 procedures, discovery and protective order procedures, and any
4 review or appeal process 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. The notice
10 shall be served personally, by certified or registered mail,
11 by email as provided by Section 10-75, or as otherwise
12 provided by law upon the parties or their agents appointed to
13 receive service of process and shall include the following:

14 (1) A statement of the time, place, and nature of the
15 hearing.

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

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

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

24 (5) To the extent such information is available, the
25 names, phone numbers, email addresses, and mailing

1 addresses of the administrative law judge or designated
2 agency contact, the parties, and all other persons to whom
3 the agency gives notice of the hearing unless otherwise
4 confidential by law.

5 (6) An enclosure written in, at a minimum, English,
6 Arabic, Cantonese, Gujarati, Korean, Mandarin, Polish,
7 Russian, Spanish, Tagalog, Urdu, Ukrainian, and
8 Vietnamese, which notifies the recipient of the ability
9 for a party or the recipient's agent to request
10 interpretive assistance to participate in or understand
11 the hearing and to receive language access services for
12 translating the contents of the notice. A request to
13 receive a written or sight translation of the notice must
14 be made within 7 days of service of the notice.

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

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

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

22 (5 ILCS 100/10-25.1 new)

23 Sec. 10-25.1. Language access services.

24 (a) As used in this Article:

25 "Foreign language interpreter" means a person who is

1 fluent in both English and another language, who listens to a
2 communication in one language and orally converts it into
3 another language while retaining the same meaning, and who
4 either (i) has satisfied the certification requirement set
5 forth in Section 8a.2 of the Personnel Code or (ii) has been
6 contracted with by the State or an agency to provide
7 interpretive assistance in administrative hearings. A foreign
8 language interpreter need not be physically present to provide
9 interpretive assistance.

10 "Indigent person" has the meaning given in subdivision
11 (a) (2) of Section 5-105 of the Code of Civil Procedure.

12 "Interpretive assistance" means services that involve
13 listening to a communication in one language and orally
14 converting that communication into another language while
15 retaining the same meaning.

16 "Language access services" means the full spectrum of
17 language services available to provide meaningful access to
18 the programs and services for limited English proficient
19 persons, including, but not limited to, in-person interpreter
20 services, telephonic and video remote interpreter services,
21 translation of written materials, and bilingual staff
22 services.

23 "Limited English proficient person" means someone who
24 speaks a language other than English as his or her primary
25 language and has a limited ability to read, write, speak, or
26 understand English and requires the assistance of a foreign

1 language interpreter to effectively communicate in a legal
2 proceeding.

3 "Nonsubstantive hearing" means a hearing to discuss
4 hearing rules, hearing processes, hearing procedures, and
5 hearing scheduling. A hearing in which a substantive ruling is
6 made is not a nonsubstantive hearing.

7 "Sight translation" means the conversion of written text
8 in one language into another spoken language.

9 "Substantive hearing" means a hearing in which a
10 substantive ruling may be made. "Substantive hearing" includes
11 a prehearing conference or formal hearing in which testimony
12 or evidence is being taken.

13 "Substantive ruling" means a ruling that directly relates
14 to the merits of the case and does not include explanation of
15 hearing rules, hearing processes, hearing procedures, or
16 hearing scheduling.

17 "Translator" means a person who converts written text from
18 one language into written text in another language.

19 "Written translation" means a conversion of written text
20 from one language into written text in another language.

21 (b) A self-represented litigant, a witness, or a litigant
22 who is an indigent person has the right to request
23 interpretive assistance to participate in or understand a
24 hearing at any time during the course of the hearing. If no
25 request is made but the administrative law judge reasonably
26 believes that a self-represented litigant or witness is a

1 limited English proficient person, the administrative law
2 judge shall inquire if the individual is in need of
3 interpretive assistance to participate in or understand the
4 hearing. The fact that an individual for whom English is a
5 second language knows some English should not prohibit that
6 individual from being allowed to receive interpretive
7 assistance from a foreign language interpreter. The conclusion
8 of the administrative law judge regarding the need for
9 interpretive assistance must be stated in the record.

10 (c) If interpretive assistance is requested by a
11 self-represented litigant, a witness, or a litigant who is an
12 indigent person or if interpretive assistance is determined to
13 be necessary by the administrative law judge, the agency must
14 appoint a foreign language interpreter at no cost to the
15 person in need of the assistance for use in a substantive
16 hearing. If it appears that interpretive assistance is needed
17 but a foreign language interpreter is not available for the
18 scheduled substantive hearing, the administrative law judge
19 shall continue or postpone the hearing until appropriate
20 services can be provided. In a substantive hearing, an
21 interpreter who is not a foreign language interpreter should
22 be appointed only if the agency made reasonable efforts to
23 obtain a foreign language interpreter and one is not
24 reasonably available. If the agency appoints an interpreter
25 who is not a foreign language interpreter, the administrative
26 law judge must examine the interpreter to ensure the

1 interpreter is competent to interpret in the hearing, has
2 proficiency in English and the applicable foreign language,
3 and does not present a conflict of interest.

4 (d) An agency may provide interpretive assistance during a
5 nonsubstantive hearing by use of an interpreter who is not a
6 foreign language interpreter, provided the administrative law
7 judge examines the interpreter for competency for the purposes
8 of the non-substantive hearing.

9 (e) All persons appointed to provide interpretive
10 assistance in substantive and nonsubstantive hearings must
11 swear or affirm that they:

12 (1) will make a true interpretation, from the English
13 language, in an understandable manner to the limited
14 English proficient person for whom the interpreter has
15 been appointed;

16 (2) will repeat the statements of the limited English
17 proficient person, in the English language, to the best of
18 the interpreter's ability;

19 (3) have not had any involvement in the issues of the
20 case before the hearing; and

21 (4) will not disclose privileged or confidential
22 communications to any person.

23 (f) If an appointed interpreter is not accurately
24 interpreting communications, the limited English proficient
25 person, or that person's attorney or authorized
26 representative, if an authorized representative is permitted

1 under agency rules, may request the appointment of a different
2 interpreter, subject to the approval of the administrative law
3 judge.

4 (g) An agency may adopt rules for the implementation and
5 administration of this Section. Nothing in this Section
6 precludes an agency from providing language access services in
7 addition to those required under this Section to any limited
8 English proficient person, subject to agency discretion.

9 (5 ILCS 100/10-70) (from Ch. 127, par. 1010-70)

10 Sec. 10-70. Waiver.

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

14 (b) To waive any of the provisions relating to language
15 access services under Sections 10-25 and 10-25.1, the parties
16 must provide a signed written stipulation in both English and
17 the preferred language of the party in need of language
18 assistance.

19 (c) A written stipulation waiving the language access
20 service provisions of Sections 10-25 and 10-25.1 of this Act
21 may be withdrawn by the limited English proficient person at
22 any time. The withdrawal may be made by oral declaration at
23 hearing or in a written declaration. Following such a
24 withdrawal, the remainder of the proceeding must be conducted
25 in accordance with Sections 10-25 and 10-25.1.

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

2 Section 99. Effective date. This Act takes effect July 1,
3 2025.".