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LRB093 10959 AMC 52902 a

1 AMENDMENT TO SENATE BILL 73

2 AMENDMENT NO. _____. Amend Senate Bill 73 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 5-115, 5-120, and 5-125 as
6 follows:

7 (5 ILCS 100/5-115) (from Ch. 127, par. 1005-115)

8 Sec. 5-115. Other action by the Joint Committee.

9 (a) If the Joint Committee determines that the adoption and
10 effectiveness of a proposed rule, amendment, or repealer or
11 portion of a proposed rule, amendment, or repealer by an agency
12 would be objectionable under any of the standards for the Joint
13 Committee's review specified in Section 5-100, 5-105, 5-110,
14 5-120, or 5-130 and would constitute a serious threat to the
15 public interest, safety, or welfare, the Joint Committee may
16 issue a statement to that effect at any time before the
17 proposed rule, amendment, or repealer takes effect. The
18 statement may be issued by the Joint Committee only upon the
19 affirmative vote of three-fifths of the members appointed to
20 the Joint Committee. The Joint Committee, however, may withdraw
21 a statement within 180 days after it is issued upon the
22 affirmative vote of a majority of the members appointed to the
23 Joint Committee. A certified copy of each ~~the~~ statement and
24 withdrawal shall be transmitted to the proposing agency and to

1 the Secretary of State for publication in the next available
2 issue of the Illinois Register.

3 (b) The proposed rule, amendment, or repealer or the
4 portion of the proposed rule, amendment, or repealer to which
5 the Joint Committee has issued a statement under subsection (a)
6 shall not be accepted for filing by the Secretary of State nor
7 take effect unless the statement is withdrawn or a joint
8 resolution is passed as provided in subsection (c) for at least
9 180 days after receipt of the statement by the Secretary of
10 State. The agency may not enforce or invoke for any reason a
11 proposed rule, amendment, or repealer or any portion thereof
12 that is prohibited from being filed by this subsection ~~during~~
13 ~~this 180 day period.~~

14 (c) After ~~The Joint Committee shall, as soon as practicable~~
15 ~~after~~ the issuance of a statement under subsection (a), any
16 member of the General Assembly may introduce in ~~either house of~~
17 the General Assembly a joint resolution stating that the
18 General Assembly desires to discontinue ~~continue~~ the
19 prohibition against the proposed rule, amendment, or repealer
20 or the portion thereof to which the statement was issued being
21 filed and taking effect. ~~The joint resolution shall,~~
22 ~~immediately following its first reading, be placed on the~~
23 ~~calendar for consideration in each house of the General~~
24 ~~Assembly without reference to a standing committee.~~ If the
25 joint resolution is not passed by both houses of the General
26 Assembly within ~~the~~ 180 days after receipt of the statement by
27 the Secretary of State or the statement is not withdrawn as
28 provided in subsection (a) day period provided in subsection
29 ~~(b),~~ the agency shall be prohibited from filing the proposed
30 rule, amendment, or repealer or the portion thereof and the
31 proposed rule, amendment, or repealer or the portion thereof
32 shall not take effect. The Secretary of State shall not accept
33 for filing the proposed rule, amendment, or repealer or the
34 portion thereof with respect to which the Joint Committee has

1 issued a statement under subsection (a) unless that statement
2 is withdrawn or a joint resolution is passed as provided in
3 this subsection. ~~that the General Assembly has prohibited the~~
4 ~~agency from filing as provided in this subsection.~~ If the
5 180-day ~~180-day~~ period ~~provided in subsection (b)~~ expires
6 before passage of the joint resolution, the agency may not file
7 the proposed rule, amendment, or repealer or the portion
8 thereof as adopted and it shall not take effect.

9 (d) If a statement is issued under this Section, then, in
10 response to an objection or suggestion of the Joint Committee,
11 the agency may propose changes to the proposed rule, amendment,
12 or repealer or portion of a proposed rule, amendment, or
13 repealer. If the agency proposes changes, it must provide
14 additional notice to the Joint Committee under the same terms
15 and conditions and shall be subject to the same requirements
16 and limitations as those set forth for a second notice period
17 under subsection (c) of Section 5-40.

18 (Source: P.A. 87-823; 88-667, eff. 9-16-94.)

19 (5 ILCS 100/5-120) (from Ch. 127, par. 1005-120)

20 Sec. 5-120. Responsibilities of the Joint Committee with
21 respect to emergency, peremptory, and other existing rules.

22 (a) The Joint Committee may examine any rule to determine
23 whether the rule is within the statutory authority upon which
24 it is based and whether the rule is in proper form.

25 (b) If the Joint Committee objects to a rule, it shall,
26 within 5 days of the objection, certify the fact to the
27 adopting agency and include within the certification a
28 statement of its specific objections.

29 (c) Within 90 days after receiving the certification, the
30 agency shall do one of the following:

31 (1) Notify the Joint Committee that it has elected to
32 amend the rule to meet the Joint Committee's objection.

33 (2) Notify the Joint Committee that it has elected to

1 repeal the rule.

2 (3) Notify the Joint Committee that it refuses to amend
3 or repeal the rule.

4 (d) If the agency elects to amend a rule to meet the Joint
5 Committee's objections, it shall notify the Joint Committee in
6 writing and shall initiate rulemaking procedures for that
7 purpose by giving notice as required by Section 5-35. The Joint
8 Committee shall give priority to rules so amended when setting
9 its agenda.

10 (e) If the agency elects to repeal a rule as a result of
11 the Joint Committee's objections, it shall notify the Joint
12 Committee in writing of its election and shall initiate
13 rulemaking procedures for that purpose by giving notice as
14 required by Section 5-35.

15 (f) If the agency elects to amend or repeal a rule as a
16 result of the Joint Committee's objections, it shall complete
17 the process within 180 days after giving notice in the Illinois
18 Register.

19 (g) Failure of the agency to respond to the Joint
20 Committee's objections to a rule within the time prescribed in
21 subsection (c) shall constitute a refusal to amend or repeal
22 the rule.

23 (h) If an agency refuses to amend or repeal a rule to
24 remedy an objection stated by the Joint Committee, it shall
25 notify the Joint Committee in writing of its refusal and shall
26 submit a notice of refusal to the Secretary of State. The
27 notice shall be published in the next available issue of the
28 Illinois Register. If the Joint Committee, in response to an
29 agency refusal, decides to suspend the rule, then it may do so
30 pursuant to Section 5-125. ~~recommend legislative action, then~~
31 ~~the Joint Committee shall have drafted and introduced into~~
32 ~~either house of the General Assembly appropriate legislation to~~
33 ~~implement the recommendations of the Joint Committee.~~

34 (Source: P.A. 87-823; 88-667, eff. 9-16-94.)

1 (5 ILCS 100/5-125) (from Ch. 127, par. 1005-125)

2 Sec. 5-125. Other Joint Committee action with respect to
3 emergency or peremptory rulemaking.

4 (a) If the Joint Committee determines that a rule or
5 portion of a rule adopted under Section 5-45 or 5-50 is
6 objectionable under any of the standards for the Joint
7 Committee's review specified in Section 5-100, 5-105, 5-110,
8 5-120, or 5-130 and constitutes a serious threat to the public
9 interest, safety, or welfare, the Joint Committee may issue a
10 statement to that effect. The statement may be issued by the
11 Joint Committee only upon the affirmative vote of three-fifths
12 of the members appointed to the Joint Committee. The Joint
13 Committee, however, may withdraw a statement within 180 days
14 after it is issued upon the affirmative vote of a majority of
15 the members appointed to the Joint Committee. A certified copy
16 of each ~~the~~ statement and withdrawal shall be transmitted to
17 the affected agency and to the Secretary of State for
18 publication in the next available issue of the Illinois
19 Register. Within 30 days of transmittal of the statement to the
20 agency, the agency shall notify the Joint Committee in writing
21 whether it has elected to repeal or amend the rule. Failure of
22 the agency to notify the Joint Committee and Secretary of State
23 within 30 days constitutes a decision by the agency to not
24 repeal the rule.

25 (b) The effectiveness of the rule or the portion of a rule
26 shall be suspended immediately ~~for at least 180 days~~ upon
27 receipt of the certified statement by the Secretary of State.
28 The Secretary of State shall indicate the suspension
29 prominently and clearly on the face of the affected rule or the
30 portion of a rule filed in the Office of the Secretary of
31 State. Rules or portions of rules suspended under this
32 subsection shall not become effective again unless the
33 statement is withdrawn as provided in subsection (a) or unless

1 ~~within upon the expiration of~~ 180 days from receipt of the
2 statement by the Secretary of State, ~~if~~ the General Assembly
3 discontinues ~~does not continue~~ the suspension by joint
4 resolution under subsection (c). The agency may not enforce, or
5 invoke for any reason, a rule or portion of a rule that has
6 been suspended under this subsection. During the 180-day ~~180~~
7 ~~day~~ period, the agency may not file, nor may the Secretary of
8 State accept for filing, any rule that (i) has ~~having~~
9 ~~substantially~~ the same purpose and effect as rules or portions
10 of rules suspended under this subsection or (ii) does not
11 substantially address the statement issued under subsection
12 (a), except as otherwise provided in this Section.

13 (c) ~~After~~ The Joint Committee shall, as soon as practicable
14 ~~after~~ the issuance of a statement under subsection (a), any
15 member of the General Assembly may introduce in ~~cause to be~~
16 ~~introduced in either house of~~ the General Assembly a joint
17 resolution stating that the General Assembly desires to
18 discontinue ~~continue~~ the suspension of effectiveness of a rule
19 or the portion of the rule to which the statement was issued.
20 ~~The joint resolution shall immediately following its first~~
21 ~~reading be placed on the calendar for consideration in each~~
22 ~~house of the General Assembly without reference to a standing~~
23 ~~committee.~~ If the joint resolution is not passed by both houses
24 of the General Assembly within the 180-day ~~180-day~~ period
25 provided in subsection (b) or the statement is not withdrawn,
26 the rule or the portion of the rule shall be considered
27 repealed and the Secretary of State shall immediately remove
28 the rule or portion of a rule from the collection of effective
29 rules.

30 (d) If a statement is issued under this Section, then, in
31 response to an objection or suggestion of the Joint Committee,
32 the agency may propose changes to the rule, amendment, or
33 repealer or portion of a rule, amendment, or repealer. If the
34 agency proposes changes, it must provide additional notice to

1 the Joint Committee under the same terms and conditions and
2 shall be subject to the same requirements and limitations as
3 those set forth for a second notice period under subsection (c)
4 of Section 5-40.

5 (Source: P.A. 87-823; 88-667, eff. 9-16-94.)

6 Section 10. The Illinois Procurement Code is amended by
7 changing Section 30-30 as follows:

8 (30 ILCS 500/30-30)

9 Sec. 30-30. Contracts in excess of \$250,000. For building
10 construction contracts in excess of \$250,000, separate
11 specifications shall be prepared for all equipment, labor, and
12 materials in connection with the following 5 subdivisions of
13 the work to be performed:

14 (1) plumbing;

15 (2) heating, piping, refrigeration, and automatic
16 temperature control systems, including the testing and
17 balancing of those systems;

18 (3) ventilating and distribution systems for
19 conditioned air, including the testing and balancing of
20 those systems;

21 (4) electric wiring; and

22 (5) general contract work.

23 The specifications must be so drawn as to permit separate
24 and independent bidding upon each of the 5 subdivisions of
25 work. All contracts awarded for any part thereof shall award
26 the 5 subdivisions of work separately to responsible and
27 reliable persons, firms, or corporations engaged in these
28 classes of work. The contracts, at the discretion of the
29 construction agency, may be assigned to the successful bidder
30 on the general contract work or to the successful bidder on the
31 subdivision of work designated by the construction agency
32 before the bidding as the prime subdivision of work, provided

1 that all payments will be made directly to the contractors for
2 the 5 subdivisions of work upon compliance with the conditions
3 of the contract. A contract may be let for one or more
4 buildings in any project to the same contractor. The
5 specifications shall require, however, that unless the
6 buildings are identical, a separate price shall be submitted
7 for each building. The contract may be awarded to the lowest
8 responsible bidder for each or all of the buildings included in
9 the specifications.

10 Until a date 2 years after the effective date of this
11 amendatory Act of the 93rd General Assembly, the requirements
12 of this Section do not apply to the construction of an
13 Emergency Operations Center for the Illinois Emergency
14 Management Agency if (i) the majority of the funding for the
15 project is from federal funds, (ii) the bid of the successful
16 bidder identifies the name of the subcontractor, if any, and
17 the bid proposal costs for each of the 5 subdivisions of work
18 set forth in this Section, and (iii) the contract entered into
19 with the successful bidder provides that no identified
20 subcontractor may be terminated without the written consent of
21 the Capital Development Board.

22 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."