**Section 240.700 Objection; Recommendation; Suspension**

a) Objection

1) If the Joint Committee finds that the peremptory rule or rulemaking does not meet one or more of the criteria in Section 240.500 of this Part, the Joint Committee shall object to the rulemaking pursuant to Section 5-120 of the Act.

2) If the Joint Committee objects to the peremptory rule or rulemaking, it shall certify that fact to the agency. Such certification will be sent to the agency in the form shown in Exhibit A of Part 230 of the Joint Committee's rules (1 Ill. Adm. Code 230.Exhibit A) within 5 working days after the Joint Committee hearing. The certification shall include a statement of the specific objections of the Joint Committee to the peremptory rule or rulemaking.

3) Each statement of specific objections shall also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.

b) Recommendation

1) If the Joint Committee finds that the peremptory rule or rulemaking is incomplete or inconsistent, or does not meet one or more of the criteria in Section 240.500 of this Part, the Joint Committee shall recommend further action. Recommended actions include the promulgation of general rules, the promulgation of additional rules, the clarification of statutory authority to be introduced by the agency or the Joint Committee or a recommendation to curtail an unauthorized practice.

2) If the Joint Committee issues a recommendation to the peremptory rule or rulemaking, it shall so notify the agency. Within 5 working days after the Joint Committee hearing. The notification shall include a statement of the specific recommendation of the Joint Committee to the peremptory rule or rulemaking.

3) Each statement of specific recommendations shall also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.

c) Suspension

1) If the Joint Committee finds that the peremptory rule or rulemaking or a portion thereof is objectionable under one or more of the criteria in Section 240.500 of this Part, and that the rule meets any of the criteria in Section 240.650 of this Part, the Joint Committee shall suspend the rule or portion thereof pursuant to Section 5-125 of the Act. Such action can only be taken upon the affirmative vote of three-fifths of the members appointed to the Joint Committee.

2) If the Joint Committee suspends the peremptory rule or portion thereof, it shall certify that fact to the agency and the Administrative Code Division. Such certification will be sent to the agency and the Administrative Code Division in the form shown in Exhibit C of Part 230 of the Joint Committee's rules (1 Ill. Adm. Code 230.Exhibit C) within 5 working days after the Joint Committee hearing. The certification shall include a statement of the reasons for the Joint Committee's suspension of the peremptory rule or portion thereof.

3) Each statement of suspension shall also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.

4) *The effectiveness of the peremptory rule* *or portion thereof shall be suspended immediately for at least 180 days upon receipt of the certified statement by the Administrative Code Division. The suspension shall be indicated prominently and clearly on the face of the peremptory rule or portion thereof by the Administrative Code Division. A peremptory rule or portion thereof* *that* *is suspended cannot be enforced,* *or invoked for any reason, by the Agency.* (Ill. Rev. Stat. 1991, ch. 127, par. 1005-125(b)) [5 ILCS 100/5-125(b)]

5) *The Joint Committee shall introduce a Joint Resolution in either* *house* *of the General Assembly to continue the suspension. Passage of the Joint Resolution by the General Assembly within 180 days after the certification is received by the Administrative Code Division will have the effect of repealing the peremptory rule or portion thereof.* *The* *rule or portion thereof shall be immediately removed from the compilation of effective rules by the Administrative Code Division.* (Ill. Rev. Stat. 1991, ch. 127, par. 1005-125(c)) [5 ILCS 100/5-125(c)]

6) Upon the affirmative vote of the majority of the members of the Joint Committee voting, a suspension of a peremptory rule may be withdrawn. Withdrawal of a suspension must be done prior to the passage of the Joint Resolution in either house of the General Assembly. The Joint Committee shall issue a Certification of Withdrawal of Suspension of Peremptory Rules to the agency in the manner shown in Exhibit F of Part 230 (1 Ill. Adm. Code 230.Exhibit F) and shall certify that action to the Administrative Code Division within 5 working days after the Joint Committee hearing.

(Source: Amended at 18 Ill. Reg. 4745, effective March 14, 1994)