



Rep. Carol Sente

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10000HB5253ham001

LRB100 17050 RJF 38935 a

1 AMENDMENT TO HOUSE BILL 5253

2 AMENDMENT NO. _____. Amend House Bill 5253 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Administrative Procedure Act is
5 amended by changing Section 5-30 as follows:

6 (5 ILCS 100/5-30) (from Ch. 127, par. 1005-30)

7 Sec. 5-30. Regulatory flexibility. When an agency proposes
8 a new rule or an amendment to an existing rule that may have an
9 impact on small businesses, not for profit corporations, or
10 small municipalities, the agency shall do each of the
11 following:

12 (a) The agency shall consider each of the following
13 methods for reducing the impact of the rulemaking on small
14 businesses, not for profit corporations, or small
15 municipalities. The agency shall reduce the impact by
16 utilizing one or more of the following methods if it finds

1 that the methods are legal and feasible in meeting the
2 statutory objectives that are the basis of the proposed
3 rulemaking.

4 (1) Establish less stringent compliance or
5 reporting requirements in the rule for small
6 businesses, not for profit corporations, or small
7 municipalities.

8 (2) Establish less stringent schedules or
9 deadlines in the rule for compliance or reporting
10 requirements for small businesses, not for profit
11 corporations, or small municipalities.

12 (3) Consolidate or simplify the rule's compliance
13 or reporting requirements for small businesses, not
14 for profit corporations, or small municipalities.

15 (4) Establish performance standards to replace
16 design or operational standards in the rule for small
17 businesses, not for profit corporations, or small
18 municipalities.

19 (5) Exempt small businesses, not for profit
20 corporations, or small municipalities from any or all
21 requirements of the rule.

22 (b) Before or during the notice period required under
23 subsection (b) of Section 5-40, the agency shall provide an
24 opportunity for small businesses, not for profit
25 corporations, or small municipalities to participate in
26 the rulemaking process. The agency shall utilize one or

1 more of the following techniques. These techniques are in
2 addition to other rulemaking requirements imposed by this
3 Act or by any other Act.

4 (1) The inclusion in any advance notice of possible
5 rulemaking of a statement that the rule may have an
6 impact on small businesses, not for profit
7 corporations, or small municipalities.

8 (2) The publication of a notice of rulemaking in
9 publications likely to be obtained by small
10 businesses, not for profit corporations, or small
11 municipalities.

12 (3) The direct notification of interested small
13 businesses, not for profit corporations, or small
14 municipalities.

15 (4) The conduct of public hearings concerning the
16 impact of the rule on small businesses, not for profit
17 corporations, or small municipalities.

18 (5) The use of special hearing or comment
19 procedures to reduce the cost or complexity of
20 participation in the rulemaking by small businesses,
21 not for profit corporations, or small municipalities.

22 (c) Prior to the filing for publication in the Illinois
23 Register of any proposed rule or amendment that may have an
24 adverse impact on small businesses, each agency must
25 prepare an economic impact analysis which shall be filed
26 with the proposed rule and publicized in the Illinois

1 Register together with the proposed rule. The economic
2 impact analysis shall include the following:

3 (1) An ~~an~~ identification of the types and estimate
4 of the number of the small businesses subject to the
5 proposed rule or amendment. The agency shall identify
6 the types of businesses subject to the proposed rule
7 using the following 2-digit codes from the North
8 American Industry Classification System (NAICS):

9 11 Agriculture, Forestry, Fishing and Hunting.

10 21 Mining.

11 22 Utilities.

12 23 Construction.

13 31-33 Manufacturing.

14 42 Wholesale Trade.

15 44-45 Retail Trade.

16 48-49 Transportation and Warehousing.

17 51 Information.

18 52 Finance and Insurance.

19 53 Real Estate Rental and Leasing.

20 54 Professional, Scientific, and Technical
21 Services.

22 55 Management of Companies and Enterprises.

23 56 Administrative and Support and Waste
24 Management and Remediation Services.

25 61 Educational Services.

26 62 Health Care and Social Assistance.

1 71 Arts, Entertainment, and Recreation.

2 72 Accommodation and Food Services.

3 81 Other Services (except Public
4 Administration).

5 92 Public Administration.

6 The agency shall also identify the impact of the
7 proposed rule by identifying as many of the following
8 categories that the agency reasonably believes the
9 proposed rule will impact:

10 A. Hiring and additional staffing.

11 B. Regulatory requirements.

12 C. Purchasing.

13 D. Insurance changes.

14 E. Licensing fees.

15 F. Equipment and material needs.

16 G. Training requirements.

17 H. Record keeping.

18 I. Compensation and benefits.

19 J. Other potential impacted categories. †

20 (2) The ~~the~~ projected reporting, recordkeeping,
21 and other administrative costs required for compliance
22 with the proposed rule or amendment, including the type
23 of professional skills necessary for preparation of
24 the report or record. †

25 (3) A ~~a~~ statement of the probable positive or
26 negative economic effect on impacted small businesses.

1 ~~and~~

2 (4) A ~~a~~ description of any less intrusive or less
3 costly alternative methods of achieving the purpose of
4 the proposed rule or amendment. The alternatives must
5 be consistent with the stated objectives of the
6 applicable statutes and the proposed rulemaking.

7 The Department of Commerce and Economic Opportunity
8 shall place notification of all proposed rules affecting
9 small business on its website. The notification shall
10 include the information provided by the agency under this
11 subsection (c) together with the summary of the proposed
12 rule published by the Joint Committee on Administrative
13 Rules in the Flinn Report.

14 The Business Assistance Office shall prepare an impact
15 analysis of the rule or amendment describing its effect on
16 small businesses whenever the Office believes, in its
17 discretion, that an analysis is warranted or whenever
18 requested to do so by 25 interested persons, an association
19 representing at least 100 interested persons, the
20 Governor, a unit of local government, or the Joint
21 Committee on Administrative Rules. The impact analysis
22 shall be completed before or within the notice period as
23 described in subsection (b) of Section 5-40. Upon
24 completion of any analysis in accordance with this
25 subsection (c), the preparing agency or the Business
26 Assistance Office shall submit the analysis to the Joint

1 Committee on Administrative Rules, to any interested
2 person who requested the analysis, and, if the agency
3 prepared the analysis, to the Business Assistance Office.

4 For purposes of this subsection (c), "small business"
5 means a business with fewer than 50 full-time employees or
6 less than \$4,000,000 in gross annual sales.

7 This subsection does not apply to rules and standards
8 described in paragraphs (1) through (5) of subsection (c)
9 of Section 1-5.

10 (Source: P.A. 96-1448, eff. 1-1-11.)".