

1 AN ACT concerning State Government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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  
25 the Secretary of State for publication in the next available  
26 issue of the Illinois Register.

27 (b) The proposed rule, amendment, or repealer or the  
28 portion of the proposed rule, amendment, or repealer to which  
29 the Joint Committee has issued a statement under subsection (a)  
30 shall not be accepted for filing by the Secretary of State nor  
31 take effect unless the statement is withdrawn or a joint  
32 resolution is passed as provided in subsection (c) ~~for at least~~

1 ~~180 days after receipt of the statement by the Secretary of~~  
2 ~~State.~~ The agency may not enforce or invoke for any reason a  
3 proposed rule, amendment, or repealer or any portion thereof  
4 that is prohibited from being filed by this subsection ~~during~~  
5 ~~this 180-day period.~~

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19 the Secretary of State or the statement is not withdrawn as  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28 is withdrawn or a joint resolution is passed as provided in  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

35 (d) If a statement is issued under this Section, then, in  
36 response to an objection or suggestion of the Joint Committee,

1 the agency may propose changes to the proposed rule, amendment,  
2 or repealer or portion of a proposed rule, amendment, or  
3 repealer. If the agency proposes changes, it must provide  
4 additional notice to the Joint Committee under the same terms  
5 and conditions and shall be subject to the same requirements  
6 and limitations as those set forth for a second notice period  
7 under subsection (c) of Section 5-40.

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

9 (5 ILCS 100/5-120) (from Ch. 127, par. 1005-120)

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

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

15 (b) If the Joint Committee objects to a rule, it shall,  
16 within 5 days of the objection, certify the fact to the  
17 adopting agency and include within the certification a  
18 statement of its specific objections.

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

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

23 (2) Notify the Joint Committee that it has elected to  
24 repeal the rule.

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

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

33 (e) If the agency elects to repeal a rule as a result of  
34 the Joint Committee's objections, it shall notify the Joint  
35 Committee in writing of its election and shall initiate

1 rulemaking procedures for that purpose by giving notice as  
2 required by Section 5-35.

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

7 (g) Failure of the agency to respond to the Joint  
8 Committee's objections to a rule within the time prescribed in  
9 subsection (c) shall constitute a refusal to amend or repeal  
10 the rule.

11 (h) If an agency refuses to amend or repeal a rule to  
12 remedy an objection stated by the Joint Committee, it shall  
13 notify the Joint Committee in writing of its refusal and shall  
14 submit a notice of refusal to the Secretary of State. The  
15 notice shall be published in the next available issue of the  
16 Illinois Register. If the Joint Committee, in response to an  
17 agency refusal, decides to suspend the rule, then it may do so  
18 pursuant to Section 5-125. ~~recommend legislative action, then~~  
19 ~~the Joint Committee shall have drafted and introduced into~~  
20 ~~either house of the General Assembly appropriate legislation to~~  
21 ~~implement the recommendations of the Joint Committee.~~

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

23 (5 ILCS 100/5-125) (from Ch. 127, par. 1005-125)

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

26 (a) If the Joint Committee determines that a rule or  
27 portion of a rule adopted under Section 5-45 or 5-50 is  
28 objectionable under any of the standards for the Joint  
29 Committee's review specified in Section 5-100, 5-105, 5-110,  
30 5-120, or 5-130 and constitutes a serious threat to the public  
31 interest, safety, or welfare, the Joint Committee may issue a  
32 statement to that effect. The statement may be issued by the  
33 Joint Committee only upon the affirmative vote of three-fifths  
34 of the members appointed to the Joint Committee. The Joint  
35 Committee, however, may withdraw a statement within 180 days

1 after it is issued upon the affirmative vote of a majority of  
2 the members appointed to the Joint Committee. A certified copy  
3 of each ~~the~~ statement and withdrawal shall be transmitted to  
4 the affected agency and to the Secretary of State for  
5 publication in the next available issue of the Illinois  
6 Register. Within 30 days of transmittal of the statement to the  
7 agency, the agency shall notify the Joint Committee in writing  
8 whether it has elected to repeal or amend the rule. Failure of  
9 the agency to notify the Joint Committee and Secretary of State  
10 within 30 days constitutes a decision by the agency to not  
11 repeal the rule.

12 (b) The effectiveness of the rule or the portion of a rule  
13 shall be suspended immediately ~~for at least 180 days~~ upon  
14 receipt of the certified statement by the Secretary of State.  
15 The Secretary of State shall indicate the suspension  
16 prominently and clearly on the face of the affected rule or the  
17 portion of a rule filed in the Office of the Secretary of  
18 State. Rules or portions of rules suspended under this  
19 subsection shall not become effective again unless the  
20 statement is withdrawn as provided in subsection (a) or unless  
21 within ~~upon the expiration of~~ 180 days from receipt of the  
22 statement by the Secretary of State, ~~if~~ the General Assembly  
23 discontinues ~~does not continue~~ the suspension by joint  
24 resolution under subsection (c). The agency may not enforce, or  
25 invoke for any reason, a rule or portion of a rule that has  
26 been suspended under this subsection. During the 180-day ~~180~~  
27 ~~day~~ period, the agency may not file, nor may the Secretary of  
28 State accept for filing, any rule that (i) has ~~having~~  
29 ~~substantially~~ the same purpose and effect as rules or portions  
30 of rules suspended under this subsection or (ii) does not  
31 substantially address the statement issued under subsection  
32 (a), except as otherwise provided in this Section.

33 (c) After ~~The Joint Committee shall, as soon as practicable~~  
34 ~~after~~ the issuance of a statement under subsection (a), any  
35 member of the General Assembly may introduce in ~~cause to be~~  
36 ~~introduced in either house of~~ the General Assembly a joint

1 resolution stating that the General Assembly desires to  
2 discontinue ~~continue~~ the suspension of effectiveness of a rule  
3 or the portion of the rule to which the statement was issued.  
4 ~~The joint resolution shall immediately following its first~~  
5 ~~reading be placed on the calendar for consideration in each~~  
6 ~~house of the General Assembly without reference to a standing~~  
7 ~~committee.~~ If the joint resolution is not passed by both houses  
8 of the General Assembly within the 180-day ~~180-day~~ period  
9 provided in subsection (b) or the statement is not withdrawn,  
10 the rule or the portion of the rule shall be considered  
11 repealed and the Secretary of State shall immediately remove  
12 the rule or portion of a rule from the collection of effective  
13 rules.

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

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

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

26 (30 ILCS 500/30-30)

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

32 (1) plumbing;

33 (2) heating, piping, refrigeration, and automatic  
34 temperature control systems, including the testing and

1 balancing of those systems;

2 (3) ventilating and distribution systems for  
3 conditioned air, including the testing and balancing of  
4 those systems;

5 (4) electric wiring; and

6 (5) general contract work.

7 The specifications must be so drawn as to permit separate  
8 and independent bidding upon each of the 5 subdivisions of  
9 work. All contracts awarded for any part thereof shall award  
10 the 5 subdivisions of work separately to responsible and  
11 reliable persons, firms, or corporations engaged in these  
12 classes of work. The contracts, at the discretion of the  
13 construction agency, may be assigned to the successful bidder  
14 on the general contract work or to the successful bidder on the  
15 subdivision of work designated by the construction agency  
16 before the bidding as the prime subdivision of work, provided  
17 that all payments will be made directly to the contractors for  
18 the 5 subdivisions of work upon compliance with the conditions  
19 of the contract. A contract may be let for one or more  
20 buildings in any project to the same contractor. The  
21 specifications shall require, however, that unless the  
22 buildings are identical, a separate price shall be submitted  
23 for each building. The contract may be awarded to the lowest  
24 responsible bidder for each or all of the buildings included in  
25 the specifications.

26 Until a date 2 years after the effective date of this  
27 amendatory Act of the 93rd General Assembly, the requirements  
28 of this Section do not apply to the construction of an  
29 Emergency Operations Center for the Illinois Emergency  
30 Management Agency if (i) the majority of the funding for the  
31 project is from federal funds, (ii) the bid of the successful  
32 bidder identifies the name of the subcontractor, if any, and  
33 the bid proposal costs for each of the 5 subdivisions of work  
34 set forth in this Section, and (iii) the contract entered into  
35 with the successful bidder provides that no identified  
36 subcontractor may be terminated without the written consent of

1 the Capital Development Board.

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

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.