



Adopted in House Comm. on Mar 04, 2008

09500HB5348ham001

LRB095 18468 BDD 47158 a

1 AMENDMENT TO HOUSE BILL 5348

2 AMENDMENT NO. _____. Amend House Bill 5348 as follows:

3 on page 11, immediately below line 7, by inserting the
4 following:

5 "Section 50. No rulemaking authority. Notwithstanding any
6 other rulemaking authority that may exist, neither the Governor
7 nor any agency or agency head under the jurisdiction of the
8 Governor has any authority to make or promulgate rules to
9 implement or enforce the provisions of this Act. If, however,
10 the Governor believes that rules are necessary to implement or
11 enforce the provisions of this Act, the Governor may suggest
12 rules to the General Assembly by filing them with the Clerk of
13 the House and the Secretary of the Senate and by requesting
14 that the General Assembly authorize such rulemaking by law,
15 enact those suggested rules into law, or take any other
16 appropriate action in the General Assembly's discretion.

1 Nothing contained in this Act shall be interpreted to grant
2 rulemaking authority under any other Illinois statute where
3 such authority is not otherwise explicitly given. For the
4 purposes of this Section, "rules" is given the meaning
5 contained in Section 1-70 of the Illinois Administrative
6 Procedure Act, and "agency" and "agency head" are given the
7 meanings contained in Sections 1-20 and 1-25 of the Illinois
8 Administrative Procedure Act to the extent that such
9 definitions apply to agencies or agency heads under the
10 jurisdiction of the Governor."; and

11 on page 18, by replacing lines 17 through 21 with the
12 following:

13 "prescribed by the Agency. The Governor, in coordination with
14 the Agency, must propose rules for processing petitions
15 submitted pursuant to this subsection (h). The proposed rules
16 may, but are not required to, include provisions allowing for
17 the submission of written public comments on the petitions.
18 Notwithstanding any other rulemaking authority that may exist,
19 neither the Governor nor any agency or agency head under the
20 jurisdiction of the Governor has any authority to make or
21 promulgate rules to implement or enforce the provisions of this
22 amendatory Act of the 95th General Assembly. If, however, the
23 Governor believes that rules are necessary to implement or
24 enforce the provisions of this amendatory Act of the 95th
25 General Assembly, the Governor may propose rules to the General

1 Assembly by filing them with the Clerk of the House and the
2 Secretary of the Senate and by requesting that the General
3 Assembly authorize such rulemaking by law, enact those proposed
4 rules into law, or take any other appropriate action in the
5 General Assembly's discretion. Nothing contained in this
6 amendatory Act of the 95th General Assembly shall be
7 interpreted to grant rulemaking authority under any other
8 Illinois statute where such authority is not otherwise
9 explicitly given. For the purposes of this subsection, "rules"
10 is given the meaning contained in Section 1-70 of the Illinois
11 Administrative Procedure Act, and "agency" and "agency head"
12 are given the meanings contained in Sections 1-20 and 1-25 of
13 the Illinois Administrative Procedure Act to the extent that
14 such definitions apply to agencies or agency heads under the
15 jurisdiction of the Governor.".