



State Government Administration Committee

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09600HB5191ham001

LRB096 16194 JAM 38540 a

1 AMENDMENT TO HOUSE BILL 5191

2 AMENDMENT NO. _____. Amend House Bill 5191 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 methods
13 for reducing the impact of the rulemaking on small businesses,
14 not for profit corporations, or small municipalities. The
15 agency shall reduce the impact by utilizing one or more of the
16 following methods if it finds that the methods are legal and

1 feasible in meeting the statutory objectives that are the basis
2 of the proposed rulemaking.

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

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

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

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

16 (5) Exempt small businesses, not for profit
17 corporations, or small municipalities from any or all
18 requirements of the rule.

19 (b) Before or during the notice period required under
20 subsection (b) of Section 5-40, the agency shall provide an
21 opportunity for small businesses, not for profit corporations,
22 or small municipalities to participate in the rulemaking
23 process. The agency shall utilize one or more of the following
24 techniques. These techniques are in addition to other
25 rulemaking requirements imposed by this Act or by any other
26 Act.

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

5 (2) The publication of a notice of rulemaking in
6 publications likely to be obtained by small businesses, not
7 for profit corporations, or small municipalities.

8 (3) The direct notification of interested small
9 businesses, not for profit corporations, or small
10 municipalities.

11 (4) The conduct of public hearings concerning the
12 impact of the rule on small businesses, not for profit
13 corporations, or small municipalities.

14 (5) The use of special hearing or comment procedures to
15 reduce the cost or complexity of participation in the
16 rulemaking by small businesses, not for profit
17 corporations, or small municipalities.

18 (c) Prior to the adoption of any proposed rule or amendment
19 that may have an adverse impact on small businesses, each
20 agency, or the Business Assistance Office of the Department of
21 Commerce and Economic Opportunity if the agency requests, shall
22 prepare an economic impact analysis that includes the
23 following:

24 (1) an identification and estimate of the number of the
25 small businesses subject to the proposed rule or amendment;

26 (2) the projected reporting, recordkeeping, and other

1 administrative costs required for compliance with the
2 proposed rule or amendment, including the type of
3 professional skills necessary for preparation of the
4 report or record;

5 (3) a statement of the probable effect on impacted
6 small businesses; and

7 (4) a description of any less intrusive or less costly
8 alternative methods of achieving the purpose of the
9 proposed rule or amendment.

10 Nothing in this subsection shall be construed as
11 prohibiting an agency that enforces federal standards or
12 administers federal programs from submitting an analysis
13 prepared by, or with assistance from, the relevant federal
14 agency. ~~Before the notice period required under subsection (b)~~
15 ~~of Section 5-40, the Secretary of State shall provide to the~~
16 ~~Business Assistance Office of the Department of Commerce and~~
17 ~~Economic Opportunity a copy of any proposed rules or amendments~~
18 ~~accepted for publication. The Business Assistance Office shall~~
19 ~~prepare an impact analysis of the rule describing the rule's~~
20 ~~effect on small businesses whenever the Office believes, in its~~
21 ~~discretion, that an analysis is warranted or whenever requested~~
22 ~~to do so by 25 interested persons, an association representing~~
23 ~~at least 100 interested persons, the Governor, a unit of local~~
24 ~~government, or the Joint Committee on Administrative Rules. The~~
25 ~~impact analysis shall be completed within the notice period as~~
26 ~~described in subsection (b) of Section 5-40. Upon completion of~~

1 the analysis the agency ~~Business Assistance Office~~ shall submit
2 this analysis to the Joint Committee on Administrative Rules,
3 any interested person who requested the analysis, and the
4 Business Assistance Office of the Department of Commerce and
5 Economic Opportunity ~~agency proposing the rule. The impact~~
6 ~~analysis shall contain the following:~~

7 ~~(1) A summary of the projected reporting,~~
8 ~~recordkeeping, and other compliance requirements of the~~
9 ~~proposed rule.~~

10 ~~(2) A description of the types and an estimate of the~~
11 ~~number of small businesses to which the proposed rule will~~
12 ~~apply.~~

13 ~~(3) An estimate of the economic impact that the~~
14 ~~regulation will have on the various types of small~~
15 ~~businesses affected by the rulemaking.~~

16 ~~(4) A description or listing of alternatives to the~~
17 ~~proposed rule that would minimize the economic impact of~~
18 ~~the rule. The alternatives must be consistent with the~~
19 ~~stated objectives of the applicable statutes and~~
20 ~~regulations.~~

21 (Source: P.A. 94-793, eff. 5-19-06.)".