



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3493

Introduced 2/14/2014, by Sen. Dale A. Righter

SYNOPSIS AS INTRODUCED:

New Act

25 ILCS 130/2-1	from Ch. 63, par. 1002-1
25 ILCS 130/4-2	from Ch. 63, par. 1004-2
25 ILCS 135/5	from Ch. 63, par. 29
25 ILCS 135/5.08 new	
25 ILCS 145/5.10 new	

Creates the Regulatory Review and Repeal Board Act. Creates the Regulatory Review and Repeal Board. Directs the Board to identify regulations with respect to which the cost of complying exceeds the public benefit of having the regulation in place. Directs the Board to create a system for receiving public comments and to recommend changes in regulations that it deems necessary to repeal, modify, or revise. Requires the Joint Committee on Administrative Rules, the Legislative Information System, the Legislative Reference Bureau, and the Legislative Research Unit to provide technical support and information to the Board, as directed by the Joint Committee on Legislative Support Services. Makes conforming changes to the Legislative Commission Reorganization Act of 1984, the Legislative Reference Bureau Act, and the Legislative Information Service Act. Effective July 1, 2015.

LRB098 20245 JWD 55611 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 1. Short title. This Act may be cited as the
5 Regulatory Review and Repeal Board.

6 Section 5. Regulatory Review and Repeal Board.

7 (a) The General Assembly authorizes the Joint Committee on
8 Legislative Support Services to create the Regulatory Review
9 and Repeal Board. Under this authority, the Joint Committee on
10 Legislative Support Services shall create the Regulatory
11 Review and Repeal Board as a not-for-profit foundation. The
12 Joint Committee shall file articles of incorporation as
13 required under the General Not For Profit Corporation Act of
14 1986 to create a not for profit corporation with the legal name
15 "Regulatory Review and Repeal Board". The members of the board
16 of directors of the Regulatory Review and Repeal Board shall be
17 appointed as follows:

18 Two members of the public appointed by the President of
19 the Senate;

20 Two members of the public appointed by the Minority
21 Leader of the Senate;

22 Two members of the public appointed by the Speaker of
23 the House of Representatives; and

1 Two members of the public appointed by the Minority
2 Leader of the House of Representatives.

3 Each member should have a reasonable knowledge of the
4 practice, procedure, and principles of State government
5 operations. Members should include representatives of
6 business, labor, agriculture, education, local government, and
7 health services.

8 The members of the board of directors of the Board shall
9 elect from their number a chairperson and such other officers
10 as they may choose.

11 (b) The members of the board of directors shall serve at
12 the pleasure of their respective appointing authorities.

13 (c) The members of the board of directors shall serve
14 without compensation, but may be reimbursed for expenses from
15 funds held in the Regulatory Review and Repeal Board Fund.

16 (d) As directed by the Joint Committee on Legislative
17 Support Services, the Joint Committee on Administrative Rules,
18 the Legislative Information System, the Legislative Reference
19 Bureau, and the Legislative Research Unit shall provide
20 technical support and information to the Board in fulfilling
21 its mission.

22 Section 10. Purpose and duties.

23 (a) The Regulatory Review and Repeal Board shall:

24 (1) Identify, according to a schedule set by the Board,
25 regulations with respect to which the cost of complying

1 exceeds the public benefit of having the regulation in
2 place. Further, the Board shall identify regulations that
3 are in conflict, contradictory, or unduly burdensome.

4 (2) Create, at the earliest possible date, a system for
5 soliciting and receiving public comments on various
6 regulations to be reviewed by the Regulatory Review and
7 Repeal Board to consider whether the cost of compliance
8 exceeds the public benefit of the regulation, to consider
9 whether a regulation is in conflict, contradictory, or
10 unduly burdensome and, upon receiving such comments, to
11 consider any recommendations regarding regulations which
12 may need possible repeal, modification, or revision. That
13 system for receiving comments shall include a public online
14 portal that is accessible through the website maintained by
15 the Illinois General Assembly.

16 (3) Receive and consider suggestions from judges,
17 justices, public officials, lawyers, business owners,
18 labor organization leaders, agriculture leaders, teachers,
19 educational administrators, physicians and health
20 officials, and the public generally regarding regulations
21 with respect to which the cost of compliance exceeds the
22 public benefit or regulations that are in conflict,
23 contradictory, or unduly burdensome, and make that
24 information available to members of the General Assembly
25 upon request.

26 (4) Determine, based on criteria adopted by the Board,

1 whether a regulation's cost exceeds the public benefit of
2 the regulation or whether the regulation is in conflict,
3 contradictory, or unduly burdensome, and, upon making that
4 determination, recommend to the originating body the
5 repeal, modification, or revision of the law or regulation.
6 The recommendation shall set forth with specificity the
7 justification for the requested repeal, modification, or
8 revision.

9 (5) Implement a tracking system to follow the action
10 taken by any originating body on any recommendation made by
11 the Regulatory Review and Repeal Board in order to prepare
12 annual reports to the Joint Committee on Legislative
13 Support Services regarding the progress of repeal,
14 modification, or revision.

15 (6) Report its proceedings to the Joint Committee on
16 Legislative Support Services on or before February 1, 2016,
17 and every February 1 thereafter, and, if it deems doing so
18 is advisable, to accompany its report with proposed
19 legislation to carry out any of its recommendations.

20 (7) Recommend, as a part of its annual report,
21 revisions in the law or regulations that the Regulatory
22 Review and Repeal Board deems necessary to repeal, modify,
23 or revise.

24 (b) Official action by the Board shall require the
25 affirmative vote of 5 members of the board of directors, and
26 the presence of 5 members of the board of directors shall

1 constitute a quorum.

2 (c) The Board shall operate within the provisions of the
3 General Not For Profit Corporation Act of 1986.

4 (d) As soon as practical after the Board is created, the
5 members of the board of directors of the Board shall meet,
6 organize, and designate, by majority vote, a chairperson and
7 any additional officers that may be needed to carry out the
8 activities of the Board as provided for in this Section, and
9 shall adopt bylaws of the Board. The Board may adopt any bylaws
10 that are necessary to implement the requirements of this Act.

11 (e) The Board shall conduct its activities in accordance
12 with the requirements of the Internal Revenue Code to ensure
13 the tax deductibility of gifts and contributions from private
14 parties.

15 (f) The Joint Committee on Legislative Support Services may
16 adopt other rules deemed necessary to govern Board procedures.

17 Section 15. Funding.

18 (a) The Board may accept gifts or grants from the federal
19 government or its agencies or officers, or from any person,
20 firm, or corporation, and may expend receipts on activities
21 that it considers suitable to the performance of its duties
22 under this Act and consistent with any requirement of the
23 grant, gift, or bequest. Funds collected by the Board shall be
24 considered private funds, except those received from public
25 entities, and shall be deposited and held by the State

1 Treasurer, as ex-officio custodian thereof, in a special trust
2 fund outside the State Treasury. The trust fund shall be known
3 as the Regulatory Review and Repeal Board Fund, and shall be
4 administered by a majority vote of the board of directors of
5 the Board. Private funds collected by the Board are not subject
6 to the Public Funds Investment Act.

7 (b) Board procurement is exempt from the Illinois
8 Procurement Code when private funds are used for procurement
9 expenditures. The Board's accounts and books shall be set up
10 and maintained according to generally accepted accounting
11 principles, and the Board and its officers shall be responsible
12 for the approval of recording of receipts, the approval of
13 payments, and the proper filing of required reports.

14 (c) The Board must provide a written notice to any entity
15 providing a gift, grant, or bequest to the Board that the Board
16 is not subject to the provisions of the Public Funds Investment
17 Act, which places limitations on the types of securities in
18 which a public agency may invest public funds.

19 Section 20. The Legislative Commission Reorganization Act
20 of 1984 is amended by changing Sections 2-1 and 4-2 as follows:

21 (25 ILCS 130/2-1) (from Ch. 63, par. 1002-1)

22 Sec. 2-1. The Joint Committee on Administrative Rules is
23 hereby established as a legislative support services agency.
24 The Joint Committee on Administrative Rules is subject to the

1 provisions of this Act and shall perform the powers and duties
2 delegated to it under "The Illinois Administrative Procedure
3 Act", as now or hereafter amended, and such other functions as
4 may be provided by law. As directed by the Joint Committee on
5 Legislative Support Services, the Joint Committee on
6 Administrative Rules shall provide technical support and
7 information to the Regulatory Review and Repeal Board.

8 (Source: P.A. 83-1257.)

9 (25 ILCS 130/4-2) (from Ch. 63, par. 1004-2)

10 Sec. 4-2. Intergovernmental functions. It shall be the
11 function of the Legislative Research Unit:

12 (1) To carry forward the participation of this State as
13 a member of the Council of State Governments.

14 (2) To encourage and assist the legislative,
15 executive, administrative and judicial officials and
16 employees of this State to develop and maintain friendly
17 contact by correspondence, by conference, and otherwise,
18 with officials and employees of the other States, of the
19 Federal Government, and of local units of government.

20 (3) To endeavor to advance cooperation between this
21 State and other units of government whenever it seems
22 advisable to do so by formulating proposals for, and by
23 facilitating:

24 (a) The adoption of compacts.

25 (b) The enactment of uniform or reciprocal

1 statutes.

2 (c) The adoption of uniform or reciprocal
3 administrative rules and regulations.

4 (d) The informal cooperation of governmental
5 offices with one another.

6 (e) The personal cooperation of governmental
7 officials and employees with one another individually.

8 (f) The interchange and clearance of research and
9 information.

10 (g) Any other suitable process, and

11 (h) To do all such acts as will enable this State
12 to do its part in forming a more perfect union among
13 the various governments in the United States and in
14 developing the Council of State Governments for that
15 purpose.

16 (4) As directed by the Joint Committee on Legislative
17 Support Services, to provide technical support and
18 information to the Regulatory Review and Repeal Board.

19 (Source: P.A. 93-632, eff. 2-1-04.)

20 Section 25. The Legislative Reference Bureau Act is amended
21 by amending Section 5 and adding Section 5.08 as follows:

22 (25 ILCS 135/5) (from Ch. 63, par. 29)

23 Sec. 5. The reference bureau has the duties enumerated in
24 Sections 5.01 through 5.08 ~~5.07~~.

1 (Source: P.A. 83-1257.)

2 (25 ILCS 135/5.08 new)

3 Sec. 5.08. Cooperation with the Regulatory Review and
4 Repeal Board. As directed by the Joint Committee on Legislative
5 Support Services, the Legislative Reference Bureau shall
6 provide technical support and information to the Regulatory
7 Review and Repeal Board.

8 Section 30. The Legislative Information System Act is
9 amended by adding Section 5.10 as follows:

10 (25 ILCS 145/5.10 new)

11 Sec. 5.10. Cooperation with the Regulatory Review and
12 Repeal Board. As directed by the Joint Committee on Legislative
13 Support Services, the Legislative Information System shall
14 provide technical support and information to the Regulatory
15 Review and Repeal Board.

16 Section 99. Effective date. This Act takes effect July 1,
17 2015.