**Section 220.1000 Joint Committee Action**

a) Objection

1) If the Joint Committee finds that the proposed rule or rulemaking does not meet one or more of the criteria in Section 220.900 of this Part, the Joint Committee shall object to the rulemaking pursuant to Section 5-110 of the Act.

2) If the Joint Committee objects to the proposed rule or rulemaking, it shall certify that fact to the agency. Such certification will be sent to the agency in the form shown in Exhibit E of this Part within 5 working days after the Joint Committee hearing. The certification shall include a statement of the specific objections of the Joint Committee to the proposed rule or rulemaking. The Joint Committee will also send to the agency a list of the agreements reached between the agency and the Joint Committee staff concerning changes to the proposed rule.

3) Each statement of specific objection will also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.

b) Recommendation

1) If the Joint Committee determines that the proposed rule or rulemaking is incomplete or inconsistent, or does not meet one or more of the criteria in Section 220.900 of this Part, the Joint Committee shall recommend further action. Recommended actions include the promulgation of additional rules, the clarification of statutory authority through legislation to be introduced by the agency or the Joint Committee, a request of federal or State agencies in clarifying and assisting in the promulgation of accurate rules and a recommendation to curtail an unauthorized practice.

2) If the Joint Committee issues a recommendation to the proposed rule or rulemaking, it will send a copy of the recommendation to the agency within 5 working days after the Committee hearing. The Joint Committee will also send to the agency a list of the agreements reached between the agency and the Joint Committee staff concerning changes to the proposed rule.

3) Each statement of specific recommendation will also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.

c) Prohibition Against Filing

1) If the Joint Committee finds that the proposed rule or rulemaking, or a portion thereof, is objectionable under one or more of the criteria in Section 220.900 of this Part, and that the rulemaking meets any of the criteria in Section 220.950 of this Part, the Joint Committee shall prohibit filing of the rulemaking or portion thereof pursuant to Section 5-115 of the Act. Such action can only be taken upon the affirmative vote of three-fifths of the members appointed to the Joint Committee.

2) If the Joint Committee prohibits the filing of the proposed rule or portion thereof, the Joint Committee shall certify that fact to the agency and the Administrative Code Division. Such certification will be sent to the agency and the Administrative Code Division in the form shown in Exhibit F of this Part within 5 working days after the Joint Committee hearing. The certification shall include a statement of the reasons for the Joint Committee's prohibition against filing of a proposed rule or portion thereof.

3) Each certification of prohibition against filing of a proposed rule shall also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.

4) *The proposed rule* *or portion thereof shall not be accepted for filing by the Administrative Code Unit and shall not take effect for at least 180 days* *after* *receipt of the certification of prohibition by the Administrative Code Unit. A proposed rule* *or portion thereof* *that* *is prohibited from being filed cannot be enforced or invoked for any reason by the* *agency*. (Ill. Rev. Stat. 1991, ch. 127, par. 5-115(b)) [5 ILCS 100/5-115(b)]

5) *The Joint Committee shall introduce a Joint Resolution in either house of the General Assembly to continue the prohibition* *against* *the proposed rulemaking. If* *the* *Joint Resolution is passed by the General Assembly within 180 days* after *receipt of certification by the Administrative Code Division, the proposed* rule *or portion thereof shall not take effect. Such rule* *or portion thereof shall not be accepted for filing by the Administrative Code* *Division*. *If a Joint Resolution is not passed within 180 days* *after* *receipt of certification of prohibition by the Administrative Code Division, the* *agency* *may file the proposed* *rulemaking or portion thereof as adopted and it shall take effect.* (Ill. Rev. Stat. 1991, ch. 127, par. 1005-115(c)) [5 ILCS 100/5-115(c)]

6) Upon the affirmative vote of the majority of the members of the Joint Committee voting, a prohibition against the filing of a rule may be withdrawn. Withdrawal of a prohibition against filing must be done prior to the passage of the Joint Resolution by the General Assembly. The Joint Committee shall issue a Certification of Withdrawal of Filing Prohibition of Proposed Rulemaking to the agency in the manner shown in Exhibit G of this Part and shall certify that action to the Administrative Code Division within 5 working days after the Joint Committee hearing.

d) Ratification of Agreements and Certification of No Objection

1) If the Joint Committee finds that the proposed rule or rulemaking is not objectionable, the Committee shall issue a Certification of No Objection to the rule or rulemaking in the manner shown in Exhibit H of this Part. Such Certification shall be mailed to the agency within 5 working days following the Joint Committee hearing.

2) A Certification of No Objection shall not be issued if the Joint Committee finds at its hearing that additional information is necessary in order to complete the review of the proposed rule or rulemaking.

3) The Joint Committee will consider all staff level agreements regarding the proposed rules when it takes its official action with respect to that rulemaking.

(Source: Amended at 18 Ill. Reg. 4758, effective March 14, 1994)