**Section 260.1000 Agency Response to Objection**

a) *The agency shall respond to an objection* *issued by the Joint Committee within 90 days after receipt of the statement of specific objections.* (Section 5-120 of the Act) The agency response shall address each of the specific objections stated by the Joint Committee. The agency response shall clearly state the nature of the response (agreement to amend, agreement to repeal, refusal to amend or repeal) and the rationale for the response. The response should be made in the manner shown in Exhibit C of this Part.

b) The agency must respond to each objection of the Joint Committee in one of the following ways.

1) Propose a rulemaking to meet the Joint Committee's objection.

2) Discontinue the policy not in rules.

3) Refuse to amend or repeal the rule or policy or to propose a new rule. A notice of refusal must also be submitted to the Administrative Code Division for publication in the Illinois Register if the agency responds in this manner.

c) Responses shall be submitted to the Joint Committee, in writing, and shall be signed by the agency head.

d) If the agency elects rulemaking in response to an objection, it shall initiate the rulemaking pursuant to Section 5-40, 5-45 or 5-50 of the Act. The agency shall complete the rulemaking process within 180 days after the rulemaking is proposed in the Illinois Register.

e) An amendment to meet the Joint Committee's objection must be limited to the issues raised in the Certification and Statement of Objection. A suggestion or comment made by a member of the Joint Committee does not authorize a substantive change unless the suggestion or comment is ratified by the Joint Committee through the issuance of a Certification and Statement of Objection to the rule.

f) The failure of an agency to respond to an objection of the Joint Committee within 90 days after receipt of the objection shall be deemed a refusal to initiate rulemaking.

g) The failure of an agency to complete rulemaking proposed in response to an objection within 180 days after the publication of the notice of the rulemaking shall be deemed a refusal to initiate rulemaking.

(Source: Amended at 18 Ill. Reg. 4705, effective March 14, 1994)