



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0789

by Rep. Tom Demmer

SYNOPSIS AS INTRODUCED:

New Act

| | |
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| 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 Board of Legislative Repealers Act. Establishes the Board of Legislative Repealers as a not for profit corporation. Directs the Board to determine instances in which State laws and regulations are duplicative, in conflict, contradictory, anachronistic, obsolete, or have been held unconstitutional by the United States Supreme Court or the Illinois Supreme Court, and to create a system for receiving public comments, and to recommend changes in the law that it deems necessary to repeal, modify or revise such laws and regulations. Authorizes the Board to set a schedule to make the identifications required by the Act and to adopt criteria to be used to determine whether a State law or regulation is duplicative, in conflict, contradictory, anachronistic, obsolete, or has been held unconstitutional by the United States Supreme Court or the Illinois Supreme Court. 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. Authorizes the Board to adopt bylaws necessary to implement the Act. 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, 2017.

LRB100 07121 RJF 17176 b

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 Board
5 of Legislative Repealers Act.

6 Section 5. Board of Legislative Repealers.

7 (a) The General Assembly authorizes the Joint Committee on
8 Legislative Support Services to create the Board of Legislative
9 Repealers. Under this authority, the Joint Committee on
10 Legislative Support Services shall create the Board of
11 Legislative Repealers 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 "Board of Legislative Repealers". The members of the board of
16 directors of the Board of Legislative Repealers shall be
17 appointed as follows:

18 One member of the public appointed by the President of
19 the Senate;

20 One member of the public appointed by the Minority
21 Leader of the Senate;

22 One member of the public appointed by the Speaker of
23 the House of Representatives; and

1 One member of the public appointed by the Minority
2 Leader of the House of Representatives.

3 The members of the board of directors of the Board shall
4 elect from their number a chairperson and such other officers
5 as they may choose.

6 (b) The members of the board of directors of the Board
7 shall serve at the pleasure of their respective appointing
8 authorities.

9 (c) The members of the board of directors of the Board
10 shall serve without compensation, but may be reimbursed for
11 expenses from funds held in the Board of Legislative Repealers
12 Fund.

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

19 Section 10. Purpose and duties.

20 (a) The Board of Legislative Repealers shall:

21 (1) Identify, according to a schedule set by the Board,
22 specific State laws or regulations that are duplicative, in
23 conflict, contradictory, anachronistic, or obsolete or
24 have been held unconstitutional by the United States
25 Supreme Court or the Illinois Supreme Court.

1 (2) Create, at the earliest possible date, a system for
2 soliciting and receiving public comments on various laws or
3 regulations to be considered by the Board of Legislative
4 Repealers for possible repeal, modification, or revision
5 due to being duplicative, in conflict, contradictory,
6 anachronistic, or obsolete or having been held
7 unconstitutional by the United States Supreme Court or the
8 Illinois Supreme Court. That system for receiving comments
9 shall include a public online portal that is accessible
10 through the website maintained by the Illinois General
11 Assembly.

12 (3) Determine, based on criteria adopted by the Board,
13 that a State law or regulation is duplicative, in conflict,
14 contradictory, anachronistic, or obsolete or has been held
15 unconstitutional by the United States Supreme Court or the
16 Illinois Supreme Court, and, upon making that
17 determination, recommending to the originating body either
18 the repeal, modification, or revision of the law or
19 regulation. The recommendation shall set forth with
20 specificity the justification for the requested repeal,
21 modification, or revision.

22 (4) Implement a tracking system to follow the action
23 taken by any originating body on any recommendation made by
24 the Board of Legislative Repealers in order to prepare
25 annual reports to the Joint Committee on Legislative
26 Support Services regarding the progress of repeal,

1 modification, or revision.

2 (5) Receive and consider suggestions from judges,
3 justices, public officials, lawyers, and the public
4 generally regarding State laws or regulations that are
5 duplicative, in conflict, contradictory, anachronistic, or
6 obsolete or have been held unconstitutional by the United
7 States Supreme Court or the Illinois Supreme Court, and
8 make that information available to members of the General
9 Assembly upon request.

10 (6) Report its proceedings to the Joint Committee on
11 Legislative Support Services on or before February 1, 2018,
12 and every February 1 thereafter, and, if it deems doing so
13 is advisable, to accompany its report with proposed
14 legislation to carry out any of its recommendations.

15 (7) Recommend, as a part of its annual report,
16 revisions in the law that the Board of Legislative
17 Repealers deems necessary to repeal, modify, or revise
18 State laws or regulations that are duplicative, in
19 conflict, contradictory, anachronistic, or obsolete or
20 have been held unconstitutional by the United States
21 Supreme Court or the Illinois Supreme Court.

22 (b) Official action by the Board shall require the
23 affirmative vote of 3 members of the board of directors of the
24 Board, and the presence of 3 members of the board of directors
25 of the Board shall constitute a quorum.

26 (c) The Board shall operate within the provisions of the

1 General Not For Profit Corporation Act of 1986.

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

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

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

15 Section 15. Funding.

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

1 "Board of Legislative Repealers Fund" and shall be administered
2 by a majority vote of the board of directors of the Board.
3 Private funds collected by the Board are not subject to the
4 Public Funds Investment Act.

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

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

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

19 (25 ILCS 130/2-1) (from Ch. 63, par. 1002-1)

20 Sec. 2-1. The Joint Committee on Administrative Rules is
21 hereby established as a legislative support services agency.
22 The Joint Committee on Administrative Rules is subject to the
23 provisions of this Act and shall perform the powers and duties
24 delegated to it under "The Illinois Administrative Procedure

1 Act", as now or hereafter amended, and such other functions as
2 may be provided by law. As directed by the Joint Committee on
3 Legislative Support Services, the Joint Committee on
4 Administrative Rules shall provide technical support and
5 information to the Board of Legislative Repealers.

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

7 (25 ILCS 130/4-2) (from Ch. 63, par. 1004-2)

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

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

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

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

22 (a) The adoption of compacts.

23 (b) The enactment of uniform or reciprocal
24 statutes.

25 (c) The adoption of uniform or reciprocal

1 administrative rules and regulations.

2 (d) The informal cooperation of governmental
3 offices with one another.

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

6 (f) The interchange and clearance of research and
7 information.

8 (g) Any other suitable process, and

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

14 (4) As directed by the Joint Committee on Legislative
15 Support Services, to provide technical support and
16 information to the Board of Legislative Repealers.

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

18 Section 25. The Legislative Reference Bureau Act is amended
19 by changing Section 5 and adding Section 5.08 as follows:

20 (25 ILCS 135/5) (from Ch. 63, par. 29)

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

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

1 (25 ILCS 135/5.08 new)

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

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

9 (25 ILCS 145/5.10 new)

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

15 Section 99. Effective date. This Act takes effect July 1,
16 2017.