



Judiciary II - Criminal Law Committee

**Filed: 3/6/2008**

09500HB4650ham001

LRB095 18685 RLC 46818 a

1 AMENDMENT TO HOUSE BILL 4650

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4650 on page 4, by  
3 inserting immediately below line 19 the following:

4 "(i) Notwithstanding any other rulemaking authority that  
5 may exist, neither the Governor nor any agency or agency head  
6 under the jurisdiction of the Governor has any authority to  
7 make or promulgate rules to implement or enforce the provisions  
8 of this amendatory Act of the 95th General Assembly. If,  
9 however, the Governor believes that rules are necessary to  
10 implement or enforce the provisions of this amendatory Act of  
11 the 95th General Assembly, the Governor may suggest rules to  
12 the General Assembly by filing them with the Clerk of the House  
13 and the Secretary of the Senate and by requesting that the  
14 General Assembly authorize such rulemaking by law, enact those  
15 suggested rules into law, or take any other appropriate action  
16 in the General Assembly's discretion. Nothing contained in this  
17 amendatory Act of the 95th General Assembly shall be  
18 interpreted to grant rulemaking authority under any other

1 Illinois statute where such authority is not otherwise  
2 explicitly given. For the purposes of this Section, "rules" is  
3 given the meaning contained in Section 1-70 of the Illinois  
4 Administrative Procedure Act, and "agency" and "agency head"  
5 are given the meanings contained in Sections 1-20 and 1-25 of  
6 the Illinois Administrative Procedure Act to the extent that  
7 such definitions apply to agencies or agency heads under the  
8 jurisdiction of the Governor."; and

9 on page 7, by inserting immediately below line 26 the  
10 following:

11 "(i) Notwithstanding any other rulemaking authority that  
12 may exist, neither the Governor nor any agency or agency head  
13 under the jurisdiction of the Governor has any authority to  
14 make or promulgate rules to implement or enforce the provisions  
15 of this amendatory Act of the 95th General Assembly. If,  
16 however, the Governor believes that rules are necessary to  
17 implement or enforce the provisions of this amendatory Act of  
18 the 95th General Assembly, the Governor may suggest rules to  
19 the General Assembly by filing them with the Clerk of the House  
20 and the Secretary of the Senate and by requesting that the  
21 General Assembly authorize such rulemaking by law, enact those  
22 suggested rules into law, or take any other appropriate action  
23 in the General Assembly's discretion. Nothing contained in this  
24 amendatory Act of the 95th General Assembly shall be  
25 interpreted to grant rulemaking authority under any other

1 Illinois statute where such authority is not otherwise  
2 explicitly given. For the purposes of this Section, "rules" is  
3 given the meaning contained in Section 1-70 of the Illinois  
4 Administrative Procedure Act, and "agency" and "agency head"  
5 are given the meanings contained in Sections 1-20 and 1-25 of  
6 the Illinois Administrative Procedure Act to the extent that  
7 such definitions apply to agencies or agency heads under the  
8 jurisdiction of the Governor."; and

9 on page 15, by inserting immediately below line 6 the  
10 following:

11 "(i) Notwithstanding any other rulemaking authority that  
12 may exist, neither the Governor nor any agency or agency head  
13 under the jurisdiction of the Governor has any authority to  
14 make or promulgate rules to implement or enforce the provisions  
15 of this amendatory Act of the 95th General Assembly. If,  
16 however, the Governor believes that rules are necessary to  
17 implement or enforce the provisions of this amendatory Act of  
18 the 95th General Assembly, the Governor may suggest rules to  
19 the General Assembly by filing them with the Clerk of the House  
20 and the Secretary of the Senate and by requesting that the  
21 General Assembly authorize such rulemaking by law, enact those  
22 suggested rules into law, or take any other appropriate action  
23 in the General Assembly's discretion. Nothing contained in this  
24 amendatory Act of the 95th General Assembly shall be  
25 interpreted to grant rulemaking authority under any other

1 Illinois statute where such authority is not otherwise  
2 explicitly given. For the purposes of this Section, "rules" is  
3 given the meaning contained in Section 1-70 of the Illinois  
4 Administrative Procedure Act, and "agency" and "agency head"  
5 are given the meanings contained in Sections 1-20 and 1-25 of  
6 the Illinois Administrative Procedure Act to the extent that  
7 such definitions apply to agencies or agency heads under the  
8 jurisdiction of the Governor."; and

9 on page 20, by inserting immediately below line 13 the  
10 following:

11 "(d) Notwithstanding any other rulemaking authority that  
12 may exist, neither the Governor nor any agency or agency head  
13 under the jurisdiction of the Governor has any authority to  
14 make or promulgate rules to implement or enforce the provisions  
15 of this amendatory Act of the 95th General Assembly. If,  
16 however, the Governor believes that rules are necessary to  
17 implement or enforce the provisions of this amendatory Act of  
18 the 95th General Assembly, the Governor may suggest rules to  
19 the General Assembly by filing them with the Clerk of the House  
20 and the Secretary of the Senate and by requesting that the  
21 General Assembly authorize such rulemaking by law, enact those  
22 suggested rules into law, or take any other appropriate action  
23 in the General Assembly's discretion. Nothing contained in this  
24 amendatory Act of the 95th General Assembly shall be  
25 interpreted to grant rulemaking authority under any other

1 Illinois statute where such authority is not otherwise  
2 explicitly given. For the purposes of this Section, "rules" is  
3 given the meaning contained in Section 1-70 of the Illinois  
4 Administrative Procedure Act, and "agency" and "agency head"  
5 are given the meanings contained in Sections 1-20 and 1-25 of  
6 the Illinois Administrative Procedure Act to the extent that  
7 such definitions apply to agencies or agency heads under the  
8 jurisdiction of the Governor.".