



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5797

Introduced 2/16/2012, by Rep. Kent Gaffney

SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois Enterprise Commission Act. Provides for each legislative leader to appoint 3 public members to the Commission. Authorizes employment of an executive director and staff. Requires the Commission and its staff to scrutinize the existing Illinois laws and administrative rules to see which rules are serving as a net drag on Illinois job creation and economic productivity. Requires the Commission to annually adopt, by two-thirds majority vote, and submit to the Governor, the General Assembly, and the executive director of the Joint Committee on Administrative Rules (JCAR), an omnibus list of all of the administrative rules within the Illinois Administrative Code that the Commission believes can be repealed, abolished, or amended to maximize the wealth and productivity of Illinois. Allows for public comment. Requires the Commission to recommend replacement rules. Allows JCAR, by a single, up-or-down record vote, to accept a report by a three-fifths majority, which has the effect of prohibiting the rules on the list. Sets forth a procedure for adoption of recommended or other rules as emergency rules. Requires the Commission to annually adopt, by two-thirds majority vote, and submit to the Governor, the General Assembly, and the executive director of the Legislative Reference Bureau (LRB), an omnibus list of all of the laws, and sections of laws, within the Illinois Compiled Statutes that the Commission believes can be repealed, abolished, or amended to maximize the wealth and productivity of Illinois. Allows for public comment. Requires the Commission, in cooperation with LRB, to oversee the drafting of an omnibus revisory bill reflecting the Commission's recommendations. Repeals the Act on January 1, 2017. Effective immediately.

LRB097 18204 HLH 63428 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning jobs creation.

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 Illinois Enterprise Commission Act.

6 Section 5. Statement of legislative intent. The State's
7 greatest untapped resource is that part of the expertise of its
8 citizens that is not being allowed to enter into the
9 marketplace. These are skills held by people who are not able
10 to use their expertise because of existing State laws and
11 administrative rules that harm the Illinois private sector,
12 hurt job creation and the creation of new Illinois businesses,
13 and prevent expansion of existing Illinois businesses.
14 Therefore, the Commission created by this Act and its
15 professional staff are authorized to take actions under this
16 Act that are directed to maximize overall job growth and
17 economic productivity in Illinois.

18 Section 10. Illinois Enterprise Commission. The Illinois
19 Enterprise Commission is created as a temporary, 12-member
20 Commission. By June 30, 2012, 3 public members of the
21 Commission shall be appointed by each legislative leader. All
22 of the appointees shall be persons who have derived more than

1 50% of their workplace compensation, from their attaining the
2 age of 21 until their time of appointment, as owners or
3 compensated employees in the private sector of the United
4 States. The appointees may be persons who have partly or
5 totally retired from private-sector employment. Members of the
6 Commission shall receive no compensation, but may be reimbursed
7 for their expenses from appropriations available for that
8 purpose. The Commission shall elect 2 chairpersons, who shall
9 serve jointly. One chairperson must be elected from among the 6
10 persons appointed by the Illinois General Assembly Democratic
11 caucus leaders, and one chairperson must be elected from among
12 the 6 persons appointed by the Illinois General Assembly
13 Republican caucus leaders. The Commission shall meet monthly,
14 or more often at the call of the Chair. Each commission member
15 shall have a 4-year term. A legislative leaders may appoint a
16 replacement member upon the death, disability, or resignation
17 of any member appointed by that leader. The legislative leaders
18 do not have the power to appoint substitutes to attend
19 individual meetings of the Commission.

20 Section 15. Commission staff. The Commission may appoint an
21 executive director, and the executive director may hire a
22 permanent nonpartisan staff. However, all of the employment
23 contracts signed by the staff and the executive director shall
24 state, on their face, that the Commission is scheduled to go
25 out of business on June 30, 2016. As of that date, the

1 Commission and the staff shall no longer be employed or
2 compensated.

3 Section 20. Scrutinization of statutes. The Commission and
4 its staff shall scrutinize the existing Illinois Compiled
5 Statutes to see which laws are serving as a net drag on
6 Illinois job creation and economic productivity. Every January
7 1, during the years 2013, 2014, 2015, and 2016, the Commission
8 shall adopt, by two-thirds majority vote (8 of 12), with at
9 least one vote from a member appointed by each legislative
10 leader, and shall submit to the Governor, the General Assembly,
11 and the executive director of the Legislative Reference Bureau
12 (LRB), an omnibus list of all of the laws, and sections of
13 laws, within the Illinois Compiled Statutes that the Commission
14 believes can be repealed, abolished, or amended to maximize the
15 wealth and productivity of Illinois.

16 Section 25. Omnibus revisory bill. The Commission, in
17 cooperation with LRB, shall oversee the drafting of an omnibus
18 revisory bill reflecting these recommendations. This omnibus
19 bill must be introduced in each house of the General Assembly
20 no later than February 1 of each calendar year.

21 Section 30. Scrutinization of rules. The Commission and its
22 staff shall scrutinize the existing Illinois administrative
23 rules, except emergency rules with a sunset date, to see which

1 rules are serving as a net drag on Illinois job creation and
2 economic productivity. Every January 1, during the years 2013,
3 2014, 2015, and 2016, the Commission shall adopt, by two-thirds
4 majority vote (8 of 12) with at least one vote from a member
5 appointed by each legislative leader, and shall submit to the
6 Governor, the General Assembly, and the executive director of
7 the Joint Committee on Administrative Rules (JCAR), an omnibus
8 list of all of the rules within the Illinois Administrative
9 Code that the Commission believes can be repealed, abolished,
10 or amended to maximize the wealth and productivity of Illinois.
11 These reports are public documents and must be posted on a
12 publicly accessible Internet website. By the following March 1,
13 each omnibus list must be accepted or not accepted, on a
14 single, up-or-down record vote, by JCAR. A three-fifths vote by
15 JCAR with respect to a list shall prohibit all of the rules on
16 the list.

17 Section 35. Public comment. Persons concerned about the
18 Commission's work may submit comments to the Commission. The
19 Commission's reports must contain summaries of the comments
20 received as of the deadline date for receiving comments. These
21 reports shall be public documents and must be posted on a
22 publicly accessible Internet website. After a report to JCAR
23 has been filed and while it is being considered by JCAR,
24 persons may comment to JCAR, but JCAR is not required to
25 publish the comments.

1 Section 40. Recommended replacement rules. The
2 Commission's annual report shall contain texts of substitute
3 rules that it recommends for adoption as replacements for the
4 rules to be altered or abolished. If JCAR adopts an omnibus
5 prohibition motion with respect to a report, then the
6 replacement rules recommended by the Commission shall be
7 available for adoption as emergency replacement rules, and all
8 of the affected State agencies shall adopt these emergency
9 replacement rules within 30 days or shall adopt substitute
10 emergency rules. If the agency adopts a substitute emergency
11 replacement rules, then the agency must submit a written
12 explanation to the Commission and to JCAR on why the agency did
13 not use the Commission's recommended emergency language. No
14 emergency replacement rule is valid if the emergency
15 replacement rule adopted by an agency under this Act is
16 substantively similar to rules that had recently been
17 prohibited by JCAR under the procedures set forth in this Act,
18 and the Secretary of State is directed not to accept any such
19 invalid rule for filing.

20 Section 45. Winding down of affairs. Between January 1,
21 2016, and June 30, 2016, the Commission shall not take up any
22 new business and shall devote its time to winding down its
23 affairs. If the Commission chooses, it may submit a final
24 report to the Governor, General Assembly, and JCAR by June 30,

1 2016 describing its work over the course of its operations.

2 Section 95. Repeal. This Act is repealed on January 1,
3 2017.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.