

**Illinois Administrative Code:
Dispute over Production and Re-codification**

**Spencer Simons
CALL Public Affairs Committee
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The Public Affairs Committee has made inquiries into the status of publication of the Illinois Administrative Code. The initial cause of concern was the delay in its publication at the start of this year. Our inquiries have revealed larger issues of considerable concern that affect the accurate and timely publication of this critical government information.

There is a standoff between two State of Illinois bodies, each of which has a role in the production of the Illinois Administrative Code. These are: the Joint Committee on Administrative Rules (JCAR), a joint committee of the Illinois General Assembly; and the Index Department of the Secretary of State.

The **official** compilations of the Illinois Administrative Code and the Illinois Register are by statute those prepared by the Secretary of State, 5 Ill.Comp.Stat. Ann. 100/5-80(h) (West Supp. 2003). However, JCAR produced the Ill.Ad.Code and the Illinois Register for over ten years, using the General Assembly's LIS database. The Index Department of the Secretary of State's office is now re-asserting its role in production of the Illinois Register and the Illinois Administrative Code. Production of the Illinois Register was transferred to the Index Department of this year. There remains an impasse over the Illinois Administrative Code.

In 1998 the Secretary of State published in the Illinois Register a notice of its intent to re-codify the Administrative Code in a new organizational scheme that would place the regulations in titles reflecting the title of the ILCS containing the statutory authority under which they were promulgated, 22 Ill.Reg.11532 (1998). This new codification scheme is termed ILAC. A schedule for this re-codification has been published in the Illinois Register, 27 Ill.Reg.233 (2003). The Index Department claims that it is now staffed and ready to begin the re-codification to ILAC, but that it has been blocked by JCAR's refusal to cooperate, on grounds of electronic incompatibility. There is a statutory requirement that any codification of administrative rules be approved by JCAR, which approval "shall be conditioned solely upon establishing that the proposed codification system and schedule are compatible with existing electronic data processing equipment and programs maintained by and for the General Assembly.", 5 Ill.Comp.Stat. Ann. 100/5-80(a)(West 1993). The Index Department and JCAR disagree on whether the Secretary of State's codification system and schedule are compatible with the General Assembly's database.

The Illinois Administrative Code continues to be maintained by JCAR and is now being placed on its website as titles are converted and reviewed for web presentation. <http://www.legis.state.il.us/commission/jcar/admincode/titles.html> The

Illinois Administrative Code database maintained by JCAR is the sole source of available paper and electronic presentations of the Ill.Ad.Code, including the CD-ROM issued until now by the Secretary of State and the products available from West, Lexis, and other vendors. JCAR recognizes that their Ill.Ad.Code is not an official version. The Secretary of State's Index Department claims that this Ill.Ad.Code is rife with errors, while JCAR expresses doubt about the readiness of the Index Department to produce ILAC. Both the Index Department and JCAR admit, in their own way, the necessity of a political solution to this impasse.

The CALL Public Affairs Committee will explore how CALL can help further the resolution of this serious impairment of provision of authoritative published administrative regulations to the public.

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