



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3222

by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

5 ILCS 100/1-70	from Ch. 127, par. 1001-70
5 ILCS 100/5-45	from Ch. 127, par. 1005-45
5 ILCS 100/5-130	from Ch. 127, par. 1005-130

Amends the Illinois Administrative Procedure Act. Provides that the Joint Committee on Administrative Rules may (rather than shall) evaluate the rules of each agency at its discretion (currently, at least once every 5 years). Provides that when the Joint Committee determines that it will conduct a review of existing rules, it will publish in the Illinois Register and on its website an announcement of the commencement of that review and list the subject matter of the rules to be reviewed. Modifies the meanings of the term "rule" and "emergency" under the Act. Effective immediately.

LRB100 11133 RJF 21404 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Administrative Procedure Act is
5 amended by changing Sections 1-70, 5-45, and 5-130 as follows:

6 (5 ILCS 100/1-70) (from Ch. 127, par. 1001-70)

7 Sec. 1-70. "Rule" means each agency statement of general
8 applicability that implements, applies, interprets, or
9 prescribes law or policy, but does not include (i) statements
10 concerning only the internal management of an agency and not
11 affecting private rights or procedures available to persons or
12 entities outside the agency, (ii) informal advisory rulings
13 issued under Section 5-150, (iii) intra-agency memoranda, (iv)
14 ~~the prescription of standardized forms,~~ (v) documents prepared
15 or filed or actions taken by the Legislative Reference Bureau
16 under Section 5.04 of the Legislative Reference Bureau Act, or
17 (v) ~~(vi)~~ guidance documents prepared by the Illinois
18 Environmental Protection Agency under Section 39.5 or
19 subsection (s) of Section 39 of the Environmental Protection
20 Act.

21 (Source: P.A. 97-95, eff. 7-12-11; 97-1081, eff. 8-24-12.)

22 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

1 (Text of Section before amendment by P.A. 99-906)

2 Sec. 5-45. Emergency rulemaking.

3 (a) "Emergency" means the existence of any situation that
4 any agency finds reasonably constitutes a threat to the public
5 interest, safety, or welfare. "Emergency" does not mean a
6 situation arising from an avoidable administrative failure to
7 properly enact a rule in accordance with statutory
8 requirements.

9 (b) If any agency finds that an emergency exists that
10 requires adoption of a rule upon fewer days than is required by
11 Section 5-40 and states in writing its reasons for that
12 finding, the agency may adopt an emergency rule without prior
13 notice or hearing upon filing a notice of emergency rulemaking
14 with the Secretary of State under Section 5-70. The notice
15 shall include the text of the emergency rule and shall be
16 published in the Illinois Register. Consent orders or other
17 court orders adopting settlements negotiated by an agency may
18 be adopted under this Section. Subject to applicable
19 constitutional or statutory provisions, an emergency rule
20 becomes effective immediately upon filing under Section 5-65 or
21 at a stated date less than 10 days thereafter. The agency's
22 finding and a statement of the specific reasons for the finding
23 shall be filed with the rule. The agency shall take reasonable
24 and appropriate measures to make emergency rules known to the
25 persons who may be affected by them.

26 (c) An emergency rule may be effective for a period of not

1 longer than 150 days, but the agency's authority to adopt an
2 identical rule under Section 5-40 is not precluded. No
3 emergency rule may be adopted more than once in any 24-month ~~24~~
4 ~~month~~ period, except that this limitation on the number of
5 emergency rules that may be adopted in a 24-month ~~24-month~~
6 period does not apply to (i) emergency rules that make
7 additions to and deletions from the Drug Manual under Section
8 5-5.16 of the Illinois Public Aid Code or the generic drug
9 formulary under Section 3.14 of the Illinois Food, Drug and
10 Cosmetic Act, (ii) emergency rules adopted by the Pollution
11 Control Board before July 1, 1997 to implement portions of the
12 Livestock Management Facilities Act, (iii) emergency rules
13 adopted by the Illinois Department of Public Health under
14 subsections (a) through (i) of Section 2 of the Department of
15 Public Health Act when necessary to protect the public's
16 health, (iv) emergency rules adopted pursuant to subsection (n)
17 of this Section, (v) emergency rules adopted pursuant to
18 subsection (o) of this Section, or (vi) emergency rules adopted
19 pursuant to subsection (c-5) of this Section. Two or more
20 emergency rules having substantially the same purpose and
21 effect shall be deemed to be a single rule for purposes of this
22 Section.

23 (c-5) To facilitate the maintenance of the program of group
24 health benefits provided to annuitants, survivors, and retired
25 employees under the State Employees Group Insurance Act of
26 1971, rules to alter the contributions to be paid by the State,

1 annuitants, survivors, retired employees, or any combination
2 of those entities, for that program of group health benefits,
3 shall be adopted as emergency rules. The adoption of those
4 rules shall be considered an emergency and necessary for the
5 public interest, safety, and welfare.

6 (d) In order to provide for the expeditious and timely
7 implementation of the State's fiscal year 1999 budget,
8 emergency rules to implement any provision of Public Act 90-587
9 or 90-588 or any other budget initiative for fiscal year 1999
10 may be adopted in accordance with this Section by the agency
11 charged with administering that provision or initiative,
12 except that the 24-month limitation on the adoption of
13 emergency rules and the provisions of Sections 5-115 and 5-125
14 do not apply to rules adopted under this subsection (d). The
15 adoption of emergency rules authorized by this subsection (d)
16 shall be deemed to be necessary for the public interest,
17 safety, and welfare.

18 (e) In order to provide for the expeditious and timely
19 implementation of the State's fiscal year 2000 budget,
20 emergency rules to implement any provision of Public Act 91-24
21 or any other budget initiative for fiscal year 2000 may be
22 adopted in accordance with this Section by the agency charged
23 with administering that provision or initiative, except that
24 the 24-month limitation on the adoption of emergency rules and
25 the provisions of Sections 5-115 and 5-125 do not apply to
26 rules adopted under this subsection (e). The adoption of

1 emergency rules authorized by this subsection (e) shall be
2 deemed to be necessary for the public interest, safety, and
3 welfare.

4 (f) In order to provide for the expeditious and timely
5 implementation of the State's fiscal year 2001 budget,
6 emergency rules to implement any provision of Public Act 91-712
7 or any other budget initiative for fiscal year 2001 may be
8 adopted in accordance with this Section by the agency charged
9 with administering that provision or initiative, except that
10 the 24-month limitation on the adoption of emergency rules and
11 the provisions of Sections 5-115 and 5-125 do not apply to
12 rules adopted under this subsection (f). The adoption of
13 emergency rules authorized by this subsection (f) shall be
14 deemed to be necessary for the public interest, safety, and
15 welfare.

16 (g) In order to provide for the expeditious and timely
17 implementation of the State's fiscal year 2002 budget,
18 emergency rules to implement any provision of Public Act 92-10
19 or any other budget initiative for fiscal year 2002 may be
20 adopted in accordance with this Section by the agency charged
21 with administering that provision or initiative, except that
22 the 24-month limitation on the adoption of emergency rules and
23 the provisions of Sections 5-115 and 5-125 do not apply to
24 rules adopted under this subsection (g). The adoption of
25 emergency rules authorized by this subsection (g) shall be
26 deemed to be necessary for the public interest, safety, and

1 welfare.

2 (h) In order to provide for the expeditious and timely
3 implementation of the State's fiscal year 2003 budget,
4 emergency rules to implement any provision of Public Act 92-597
5 or any other budget initiative for fiscal year 2003 may be
6 adopted in accordance with this Section by the agency charged
7 with administering that provision or initiative, except that
8 the 24-month limitation on the adoption of emergency rules and
9 the provisions of Sections 5-115 and 5-125 do not apply to
10 rules adopted under this subsection (h). The adoption of
11 emergency rules authorized by this subsection (h) shall be
12 deemed to be necessary for the public interest, safety, and
13 welfare.

14 (i) In order to provide for the expeditious and timely
15 implementation of the State's fiscal year 2004 budget,
16 emergency rules to implement any provision of Public Act 93-20
17 or any other budget initiative for fiscal year 2004 may be
18 adopted in accordance with this Section by the agency charged
19 with administering that provision or initiative, except that
20 the 24-month limitation on the adoption of emergency rules and
21 the provisions of Sections 5-115 and 5-125 do not apply to
22 rules adopted under this subsection (i). The adoption of
23 emergency rules authorized by this subsection (i) shall be
24 deemed to be necessary for the public interest, safety, and
25 welfare.

26 (j) In order to provide for the expeditious and timely

1 implementation of the provisions of the State's fiscal year
2 2005 budget as provided under the Fiscal Year 2005 Budget
3 Implementation (Human Services) Act, emergency rules to
4 implement any provision of the Fiscal Year 2005 Budget
5 Implementation (Human Services) Act may be adopted in
6 accordance with this Section by the agency charged with
7 administering that provision, except that the 24-month
8 limitation on the adoption of emergency rules and the
9 provisions of Sections 5-115 and 5-125 do not apply to rules
10 adopted under this subsection (j). The Department of Public Aid
11 may also adopt rules under this subsection (j) necessary to
12 administer the Illinois Public Aid Code and the Children's
13 Health Insurance Program Act. The adoption of emergency rules
14 authorized by this subsection (j) shall be deemed to be
15 necessary for the public interest, safety, and welfare.

16 (k) In order to provide for the expeditious and timely
17 implementation of the provisions of the State's fiscal year
18 2006 budget, emergency rules to implement any provision of
19 Public Act 94-48 or any other budget initiative for fiscal year
20 2006 may be adopted in accordance with this Section by the
21 agency charged with administering that provision or
22 initiative, except that the 24-month limitation on the adoption
23 of emergency rules and the provisions of Sections 5-115 and
24 5-125 do not apply to rules adopted under this subsection (k).
25 The Department of Healthcare and Family Services may also adopt
26 rules under this subsection (k) necessary to administer the

1 Illinois Public Aid Code, the Senior Citizens and Persons with
2 Disabilities Property Tax Relief Act, the Senior Citizens and
3 Disabled Persons Prescription Drug Discount Program Act (now
4 the Illinois Prescription Drug Discount Program Act), and the
5 Children's Health Insurance Program Act. The adoption of
6 emergency rules authorized by this subsection (k) shall be
7 deemed to be necessary for the public interest, safety, and
8 welfare.

9 (l) In order to provide for the expeditious and timely
10 implementation of the provisions of the State's fiscal year
11 2007 budget, the Department of Healthcare and Family Services
12 may adopt emergency rules during fiscal year 2007, including
13 rules effective July 1, 2007, in accordance with this
14 subsection to the extent necessary to administer the
15 Department's responsibilities with respect to amendments to
16 the State plans and Illinois waivers approved by the federal
17 Centers for Medicare and Medicaid Services necessitated by the
18 requirements of Title XIX and Title XXI of the federal Social
19 Security Act. The adoption of emergency rules authorized by
20 this subsection (l) shall be deemed to be necessary for the
21 public interest, safety, and welfare.

22 (m) In order to provide for the expeditious and timely
23 implementation of the provisions of the State's fiscal year
24 2008 budget, the Department of Healthcare and Family Services
25 may adopt emergency rules during fiscal year 2008, including
26 rules effective July 1, 2008, in accordance with this

1 subsection to the extent necessary to administer the
2 Department's responsibilities with respect to amendments to
3 the State plans and Illinois waivers approved by the federal
4 Centers for Medicare and Medicaid Services necessitated by the
5 requirements of Title XIX and Title XXI of the federal Social
6 Security Act. The adoption of emergency rules authorized by
7 this subsection (m) shall be deemed to be necessary for the
8 public interest, safety, and welfare.

9 (n) In order to provide for the expeditious and timely
10 implementation of the provisions of the State's fiscal year
11 2010 budget, emergency rules to implement any provision of
12 Public Act 96-45 or any other budget initiative authorized by
13 the 96th General Assembly for fiscal year 2010 may be adopted
14 in accordance with this Section by the agency charged with
15 administering that provision or initiative. The adoption of
16 emergency rules authorized by this subsection (n) shall be
17 deemed to be necessary for the public interest, safety, and
18 welfare. The rulemaking authority granted in this subsection
19 (n) shall apply only to rules promulgated during Fiscal Year
20 2010.

21 (o) In order to provide for the expeditious and timely
22 implementation of the provisions of the State's fiscal year
23 2011 budget, emergency rules to implement any provision of
24 Public Act 96-958 or any other budget initiative authorized by
25 the 96th General Assembly for fiscal year 2011 may be adopted
26 in accordance with this Section by the agency charged with

1 administering that provision or initiative. The adoption of
2 emergency rules authorized by this subsection (o) is deemed to
3 be necessary for the public interest, safety, and welfare. The
4 rulemaking authority granted in this subsection (o) applies
5 only to rules promulgated on or after July 1, 2010 (the
6 effective date of Public Act 96-958) through June 30, 2011.

7 (p) In order to provide for the expeditious and timely
8 implementation of the provisions of Public Act 97-689,
9 emergency rules to implement any provision of Public Act 97-689
10 may be adopted in accordance with this subsection (p) by the
11 agency charged with administering that provision or
12 initiative. The 150-day limitation of the effective period of
13 emergency rules does not apply to rules adopted under this
14 subsection (p), and the effective period may continue through
15 June 30, 2013. The 24-month limitation on the adoption of
16 emergency rules does not apply to rules adopted under this
17 subsection (p). The adoption of emergency rules authorized by
18 this subsection (p) is deemed to be necessary for the public
19 interest, safety, and welfare.

20 (q) In order to provide for the expeditious and timely
21 implementation of the provisions of Articles 7, 8, 9, 11, and
22 12 of Public Act 98-104, emergency rules to implement any
23 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
24 may be adopted in accordance with this subsection (q) by the
25 agency charged with administering that provision or
26 initiative. The 24-month limitation on the adoption of

1 emergency rules does not apply to rules adopted under this
2 subsection (q). The adoption of emergency rules authorized by
3 this subsection (q) is deemed to be necessary for the public
4 interest, safety, and welfare.

5 (r) In order to provide for the expeditious and timely
6 implementation of the provisions of Public Act 98-651,
7 emergency rules to implement Public Act 98-651 may be adopted
8 in accordance with this subsection (r) by the Department of
9 Healthcare and Family Services. The 24-month limitation on the
10 adoption of emergency rules does not apply to rules adopted
11 under this subsection (r). The adoption of emergency rules
12 authorized by this subsection (r) is deemed to be necessary for
13 the public interest, safety, and welfare.

14 (s) In order to provide for the expeditious and timely
15 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
16 the Illinois Public Aid Code, emergency rules to implement any
17 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
18 Public Aid Code may be adopted in accordance with this
19 subsection (s) by the Department of Healthcare and Family
20 Services. The rulemaking authority granted in this subsection
21 (s) shall apply only to those rules adopted prior to July 1,
22 2015. Notwithstanding any other provision of this Section, any
23 emergency rule adopted under this subsection (s) shall only
24 apply to payments made for State fiscal year 2015. The adoption
25 of emergency rules authorized by this subsection (s) is deemed
26 to be necessary for the public interest, safety, and welfare.

1 (t) In order to provide for the expeditious and timely
2 implementation of the provisions of Article II of Public Act
3 99-6, emergency rules to implement the changes made by Article
4 II of Public Act 99-6 to the Emergency Telephone System Act may
5 be adopted in accordance with this subsection (t) by the
6 Department of State Police. The rulemaking authority granted in
7 this subsection (t) shall apply only to those rules adopted
8 prior to July 1, 2016. The 24-month limitation on the adoption
9 of emergency rules does not apply to rules adopted under this
10 subsection (t). The adoption of emergency rules authorized by
11 this subsection (t) is deemed to be necessary for the public
12 interest, safety, and welfare.

13 (u) In order to provide for the expeditious and timely
14 implementation of the provisions of the Burn Victims Relief
15 Act, emergency rules to implement any provision of the Act may
16 be adopted in accordance with this subsection (u) by the
17 Department of Insurance. The rulemaking authority granted in
18 this subsection (u) shall apply only to those rules adopted
19 prior to December 31, 2015. The adoption of emergency rules
20 authorized by this subsection (u) is deemed to be necessary for
21 the public interest, safety, and welfare.

22 (v) In order to provide for the expeditious and timely
23 implementation of the provisions of Public Act 99-516 ~~this~~
24 ~~amendatory Act of the 99th General Assembly~~, emergency rules to
25 implement Public Act 99-516 ~~this amendatory Act of the 99th~~
26 ~~General Assembly~~ may be adopted in accordance with this

1 subsection (v) by the Department of Healthcare and Family
2 Services. The 24-month limitation on the adoption of emergency
3 rules does not apply to rules adopted under this subsection
4 (v). The adoption of emergency rules authorized by this
5 subsection (v) is deemed to be necessary for the public
6 interest, safety, and welfare.

7 (w) ~~(v)~~ In order to provide for the expeditious and timely
8 implementation of the provisions of Public Act 99-796 ~~this~~
9 ~~amendatory Act of the 99th General Assembly~~, emergency rules to
10 implement the changes made by Public Act 99-796 ~~this amendatory~~
11 ~~Act of the 99th General Assembly~~ may be adopted in accordance
12 with this subsection (w) ~~(v)~~ by the Adjutant General. The
13 adoption of emergency rules authorized by this subsection (w)
14 ~~(v)~~ is deemed to be necessary for the public interest, safety,
15 and welfare.

16 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;
17 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16;
18 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff.
19 6-30-16; 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; revised
20 9-21-16.)

21 (Text of Section after amendment by P.A. 99-906)

22 Sec. 5-45. Emergency rulemaking.

23 (a) "Emergency" means the existence of any situation that
24 any agency finds reasonably constitutes a threat to the public
25 interest, safety, or welfare. "Emergency" does not mean a

1 situation arising from an avoidable administrative failure to
2 properly enact a rule in accordance with statutory
3 requirements.

4 (b) If any agency finds that an emergency exists that
5 requires adoption of a rule upon fewer days than is required by
6 Section 5-40 and states in writing its reasons for that
7 finding, the agency may adopt an emergency rule without prior
8 notice or hearing upon filing a notice of emergency rulemaking
9 with the Secretary of State under Section 5-70. The notice
10 shall include the text of the emergency rule and shall be
11 published in the Illinois Register. Consent orders or other
12 court orders adopting settlements negotiated by an agency may
13 be adopted under this Section. Subject to applicable
14 constitutional or statutory provisions, an emergency rule
15 becomes effective immediately upon filing under Section 5-65 or
16 at a stated date less than 10 days thereafter. The agency's
17 finding and a statement of the specific reasons for the finding
18 shall be filed with the rule. The agency shall take reasonable
19 and appropriate measures to make emergency rules known to the
20 persons who may be affected by them.

21 (c) An emergency rule may be effective for a period of not
22 longer than 150 days, but the agency's authority to adopt an
23 identical rule under Section 5-40 is not precluded. No
24 emergency rule may be adopted more than once in any 24-month
25 period, except that this limitation on the number of emergency
26 rules that may be adopted in a 24-month period does not apply

1 to (i) emergency rules that make additions to and deletions
2 from the Drug Manual under Section 5-5.16 of the Illinois
3 Public Aid Code or the generic drug formulary under Section
4 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
5 emergency rules adopted by the Pollution Control Board before
6 July 1, 1997 to implement portions of the Livestock Management
7 Facilities Act, (iii) emergency rules adopted by the Illinois
8 Department of Public Health under subsections (a) through (i)
9 of Section 2 of the Department of Public Health Act when
10 necessary to protect the public's health, (iv) emergency rules
11 adopted pursuant to subsection (n) of this Section, (v)
12 emergency rules adopted pursuant to subsection (o) of this
13 Section, or (vi) emergency rules adopted pursuant to subsection
14 (c-5) of this Section. Two or more emergency rules having
15 substantially the same purpose and effect shall be deemed to be
16 a single rule for purposes of this Section.

17 (c-5) To facilitate the maintenance of the program of group
18 health benefits provided to annuitants, survivors, and retired
19 employees under the State Employees Group Insurance Act of
20 1971, rules to alter the contributions to be paid by the State,
21 annuitants, survivors, retired employees, or any combination
22 of those entities, for that program of group health benefits,
23 shall be adopted as emergency rules. The adoption of those
24 rules shall be considered an emergency and necessary for the
25 public interest, safety, and welfare.

26 (d) In order to provide for the expeditious and timely

1 implementation of the State's fiscal year 1999 budget,
2 emergency rules to implement any provision of Public Act 90-587
3 or 90-588 or any other budget initiative for fiscal year 1999
4 may be adopted in accordance with this Section by the agency
5 charged with administering that provision or initiative,
6 except that the 24-month limitation on the adoption of
7 emergency rules and the provisions of Sections 5-115 and 5-125
8 do not apply to rules adopted under this subsection (d). The
9 adoption of emergency rules authorized by this subsection (d)
10 shall be deemed to be necessary for the public interest,
11 safety, and welfare.

12 (e) In order to provide for the expeditious and timely
13 implementation of the State's fiscal year 2000 budget,
14 emergency rules to implement any provision of Public Act 91-24
15 or any other budget initiative for fiscal year 2000 may be
16 adopted in accordance with this Section by the agency charged
17 with administering that provision or initiative, except that
18 the 24-month limitation on the adoption of emergency rules and
19 the provisions of Sections 5-115 and 5-125 do not apply to
20 rules adopted under this subsection (e). The adoption of
21 emergency rules authorized by this subsection (e) shall be
22 deemed to be necessary for the public interest, safety, and
23 welfare.

24 (f) In order to provide for the expeditious and timely
25 implementation of the State's fiscal year 2001 budget,
26 emergency rules to implement any provision of Public Act 91-712

1 or any other budget initiative for fiscal year 2001 may be
2 adopted in accordance with this Section by the agency charged
3 with administering that provision or initiative, except that
4 the 24-month limitation on the adoption of emergency rules and
5 the provisions of Sections 5-115 and 5-125 do not apply to
6 rules adopted under this subsection (f). The adoption of
7 emergency rules authorized by this subsection (f) shall be
8 deemed to be necessary for the public interest, safety, and
9 welfare.

10 (g) In order to provide for the expeditious and timely
11 implementation of the State's fiscal year 2002 budget,
12 emergency rules to implement any provision of Public Act 92-10
13 or any other budget initiative for fiscal year 2002 may be
14 adopted in accordance with this Section by the agency charged
15 with administering that provision or initiative, except that
16 the 24-month limitation on the adoption of emergency rules and
17 the provisions of Sections 5-115 and 5-125 do not apply to
18 rules adopted under this subsection (g). The adoption of
19 emergency rules authorized by this subsection (g) shall be
20 deemed to be necessary for the public interest, safety, and
21 welfare.

22 (h) In order to provide for the expeditious and timely
23 implementation of the State's fiscal year 2003 budget,
24 emergency rules to implement any provision of Public Act 92-597
25 or any other budget initiative for fiscal year 2003 may be
26 adopted in accordance with this Section by the agency charged

1 with administering that provision or initiative, except that
2 the 24-month limitation on the adoption of emergency rules and
3 the provisions of Sections 5-115 and 5-125 do not apply to
4 rules adopted under this subsection (h). The adoption of
5 emergency rules authorized by this subsection (h) shall be
6 deemed to be necessary for the public interest, safety, and
7 welfare.

8 (i) In order to provide for the expeditious and timely
9 implementation of the State's fiscal year 2004 budget,
10 emergency rules to implement any provision of Public Act 93-20
11 or any other budget initiative for fiscal year 2004 may be
12 adopted in accordance with this Section by the agency charged
13 with administering that provision or initiative, except that
14 the 24-month limitation on the adoption of emergency rules and
15 the provisions of Sections 5-115 and 5-125 do not apply to
16 rules adopted under this subsection (i). The adoption of
17 emergency rules authorized by this subsection (i) shall be
18 deemed to be necessary for the public interest, safety, and
19 welfare.

20 (j) In order to provide for the expeditious and timely
21 implementation of the provisions of the State's fiscal year
22 2005 budget as provided under the Fiscal Year 2005 Budget
23 Implementation (Human Services) Act, emergency rules to
24 implement any provision of the Fiscal Year 2005 Budget
25 Implementation (Human Services) Act may be adopted in
26 accordance with this Section by the agency charged with

1 administering that provision, except that the 24-month
2 limitation on the adoption of emergency rules and the
3 provisions of Sections 5-115 and 5-125 do not apply to rules
4 adopted under this subsection (j). The Department of Public Aid
5 may also adopt rules under this subsection (j) necessary to
6 administer the Illinois Public Aid Code and the Children's
7 Health Insurance Program Act. The adoption of emergency rules
8 authorized by this subsection (j) shall be deemed to be
9 necessary for the public interest, safety, and welfare.

10 (k) In order to provide for the expeditious and timely
11 implementation of the provisions of the State's fiscal year
12 2006 budget, emergency rules to implement any provision of
13 Public Act 94-48 or any other budget initiative for fiscal year
14 2006 may be adopted in accordance with this Section by the
15 agency charged with administering that provision or
16 initiative, except that the 24-month limitation on the adoption
17 of emergency rules and the provisions of Sections 5-115 and
18 5-125 do not apply to rules adopted under this subsection (k).
19 The Department of Healthcare and Family Services may also adopt
20 rules under this subsection (k) necessary to administer the
21 Illinois Public Aid Code, the Senior Citizens and Persons with
22 Disabilities Property Tax Relief Act, the Senior Citizens and
23 Disabled Persons Prescription Drug Discount Program Act (now
24 the Illinois Prescription Drug Discount Program Act), and the
25 Children's Health Insurance Program Act. The adoption of
26 emergency rules authorized by this subsection (k) shall be

1 deemed to be necessary for the public interest, safety, and
2 welfare.

3 (l) In order to provide for the expeditious and timely
4 implementation of the provisions of the State's fiscal year
5 2007 budget, the Department of Healthcare and Family Services
6 may adopt emergency rules during fiscal year 2007, including
7 rules effective July 1, 2007, in accordance with this
8 subsection to the extent necessary to administer the
9 Department's responsibilities with respect to amendments to
10 the State plans and Illinois waivers approved by the federal
11 Centers for Medicare and Medicaid Services necessitated by the
12 requirements of Title XIX and Title XXI of the federal Social
13 Security Act. The adoption of emergency rules authorized by
14 this subsection (l) shall be deemed to be necessary for the
15 public interest, safety, and welfare.

16 (m) In order to provide for the expeditious and timely
17 implementation of the provisions of the State's fiscal year
18 2008 budget, the Department of Healthcare and Family Services
19 may adopt emergency rules during fiscal year 2008, including
20 rules effective July 1, 2008, in accordance with this
21 subsection to the extent necessary to administer the
22 Department's responsibilities with respect to amendments to
23 the State plans and Illinois waivers approved by the federal
24 Centers for Medicare and Medicaid Services necessitated by the
25 requirements of Title XIX and Title XXI of the federal Social
26 Security Act. The adoption of emergency rules authorized by

1 this subsection (m) shall be deemed to be necessary for the
2 public interest, safety, and welfare.

3 (n) In order to provide for the expeditious and timely
4 implementation of the provisions of the State's fiscal year
5 2010 budget, emergency rules to implement any provision of
6 Public Act 96-45 or any other budget initiative authorized by
7 the 96th General Assembly for fiscal year 2010 may be adopted
8 in accordance with this Section by the agency charged with
9 administering that provision or initiative. The adoption of
10 emergency rules authorized by this subsection (n) shall be
11 deemed to be necessary for the public interest, safety, and
12 welfare. The rulemaking authority granted in this subsection
13 (n) shall apply only to rules promulgated during Fiscal Year
14 2010.

15 (o) In order to provide for the expeditious and timely
16 implementation of the provisions of the State's fiscal year
17 2011 budget, emergency rules to implement any provision of
18 Public Act 96-958 or any other budget initiative authorized by
19 the 96th General Assembly for fiscal year 2011 may be adopted
20 in accordance with this Section by the agency charged with
21 administering that provision or initiative. The adoption of
22 emergency rules authorized by this subsection (o) is deemed to
23 be necessary for the public interest, safety, and welfare. The
24 rulemaking authority granted in this subsection (o) applies
25 only to rules promulgated on or after July 1, 2010 (the
26 effective date of Public Act 96-958) through June 30, 2011.

1 (p) In order to provide for the expeditious and timely
2 implementation of the provisions of Public Act 97-689,
3 emergency rules to implement any provision of Public Act 97-689
4 may be adopted in accordance with this subsection (p) by the
5 agency charged with administering that provision or
6 initiative. The 150-day limitation of the effective period of
7 emergency rules does not apply to rules adopted under this
8 subsection (p), and the effective period may continue through
9 June 30, 2013. The 24-month limitation on the adoption of
10 emergency rules does not apply to rules adopted under this
11 subsection (p). The adoption of emergency rules authorized by
12 this subsection (p) is deemed to be necessary for the public
13 interest, safety, and welfare.

14 (q) In order to provide for the expeditious and timely
15 implementation of the provisions of Articles 7, 8, 9, 11, and
16 12 of Public Act 98-104, emergency rules to implement any
17 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
18 may be adopted in accordance with this subsection (q) by the
19 agency charged with administering that provision or
20 initiative. The 24-month limitation on the adoption of
21 emergency rules does not apply to rules adopted under this
22 subsection (q). The adoption of emergency rules authorized by
23 this subsection (q) is deemed to be necessary for the public
24 interest, safety, and welfare.

25 (r) In order to provide for the expeditious and timely
26 implementation of the provisions of Public Act 98-651,

1 emergency rules to implement Public Act 98-651 may be adopted
2 in accordance with this subsection (r) by the Department of
3 Healthcare and Family Services. The 24-month limitation on the
4 adoption of emergency rules does not apply to rules adopted
5 under this subsection (r). The adoption of emergency rules
6 authorized by this subsection (r) is deemed to be necessary for
7 the public interest, safety, and welfare.

8 (s) In order to provide for the expeditious and timely
9 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
10 the Illinois Public Aid Code, emergency rules to implement any
11 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
12 Public Aid Code may be adopted in accordance with this
13 subsection (s) by the Department of Healthcare and Family
14 Services. The rulemaking authority granted in this subsection
15 (s) shall apply only to those rules adopted prior to July 1,
16 2015. Notwithstanding any other provision of this Section, any
17 emergency rule adopted under this subsection (s) shall only
18 apply to payments made for State fiscal year 2015. The adoption
19 of emergency rules authorized by this subsection (s) is deemed
20 to be necessary for the public interest, safety, and welfare.

21 (t) In order to provide for the expeditious and timely
22 implementation of the provisions of Article II of Public Act
23 99-6, emergency rules to implement the changes made by Article
24 II of Public Act 99-6 to the Emergency Telephone System Act may
25 be adopted in accordance with this subsection (t) by the
26 Department of State Police. The rulemaking authority granted in

1 this subsection (t) shall apply only to those rules adopted
2 prior to July 1, 2016. The 24-month limitation on the adoption
3 of emergency rules does not apply to rules adopted under this
4 subsection (t). The adoption of emergency rules authorized by
5 this subsection (t) is deemed to be necessary for the public
6 interest, safety, and welfare.

7 (u) In order to provide for the expeditious and timely
8 implementation of the provisions of the Burn Victims Relief
9 Act, emergency rules to implement any provision of the Act may
10 be adopted in accordance with this subsection (u) by the
11 Department of Insurance. The rulemaking authority granted in
12 this subsection (u) shall apply only to those rules adopted
13 prior to December 31, 2015. The adoption of emergency rules
14 authorized by this subsection (u) is deemed to be necessary for
15 the public interest, safety, and welfare.

16 (v) In order to provide for the expeditious and timely
17 implementation of the provisions of Public Act 99-516,
18 emergency rules to implement Public Act 99-516 may be adopted
19 in accordance with this subsection (v) by the Department of
20 Healthcare and Family Services. The 24-month limitation on the
21 adoption of emergency rules does not apply to rules adopted
22 under this subsection (v). The adoption of emergency rules
23 authorized by this subsection (v) is deemed to be necessary for
24 the public interest, safety, and welfare.

25 (w) In order to provide for the expeditious and timely
26 implementation of the provisions of Public Act 99-796,

1 emergency rules to implement the changes made by Public Act
2 99-796 may be adopted in accordance with this subsection (w) by
3 the Adjutant General. The adoption of emergency rules
4 authorized by this subsection (w) is deemed to be necessary for
5 the public interest, safety, and welfare.

6 (x) In order to provide for the expeditious and timely
7 implementation of the provisions of Public Act 99-906 ~~this~~
8 ~~amendatory Act of the 99th General Assembly~~, emergency rules to
9 implement subsection (i) of Section 16-115D, subsection (g) of
10 Section 16-128A, and subsection (a) of Section 16-128B of the
11 Public Utilities Act may be adopted in accordance with this
12 subsection (x) by the Illinois Commerce Commission. The
13 rulemaking authority granted in this subsection (x) shall apply
14 only to those rules adopted within 180 days after June 1, 2017
15 (the effective date of Public Act 99-906) ~~this amendatory Act~~
16 ~~of the 99th General Assembly~~. The adoption of emergency rules
17 authorized by this subsection (x) is deemed to be necessary for
18 the public interest, safety, and welfare.

19 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;
20 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16;
21 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff.
22 6-30-16; 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906,
23 eff. 6-1-17; revised 1-1-17.)

24 (5 ILCS 100/5-130) (from Ch. 127, par. 1005-130)

25 Sec. 5-130. Review ~~Periodic review~~ of existing rules.

1 (a) The Joint Committee may ~~shall~~ evaluate the rules of
2 each agency at the Joint Committee's discretion. When the Joint
3 Committee determines that it will conduct a review of existing
4 rules, it will publish in the Illinois Register and on its
5 website an announcement of the commencement of that review,
6 listing the subject matter of the rules to be reviewed. ~~least~~
7 ~~once every 5 years. The Joint Committee by rule shall develop a~~
8 ~~schedule for this periodic evaluation. In developing this~~
9 ~~schedule the Joint Committee shall group rules by specified~~
10 ~~areas to assure the evaluation of similar rules at the same~~
11 ~~time. The schedule shall include at least the following~~
12 ~~categories:~~

13 ~~(1) Human resources.~~

14 ~~(2) Law enforcement.~~

15 ~~(3) Energy.~~

16 ~~(4) Environment.~~

17 ~~(5) Natural resources.~~

18 ~~(6) Transportation.~~

19 ~~(7) Public utilities.~~

20 ~~(8) Consumer protection.~~

21 ~~(9) Licensing laws.~~

22 ~~(10) Regulation of occupations.~~

23 ~~(11) Labor laws.~~

24 ~~(12) Business regulation.~~

25 ~~(13) Financial institutions.~~

26 ~~(14) Government purchasing.~~

1 (b) When evaluating rules under this Section, the Joint
2 Committee's review shall include an examination of the
3 following:

4 (1) Organizational, structural, and procedural reforms
5 that affect rules or rulemaking.

6 (2) Merger, modification, establishment, or abolition
7 of regulations.

8 (3) Eliminating or phasing out outdated, overlapping,
9 or conflicting regulatory jurisdictions or requirements of
10 general applicability.

11 (4) Economic and budgetary effects.

12 (Source: P.A. 87-823; 88-667, eff. 9-16-94.)

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.