

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.