



Sen. Julie A. Morrison

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1 AMENDMENT TO HOUSE BILL 4237

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4237, AS AMENDED,  
3 with reference to page and line numbers of Senate Amendment No.  
4 1, on page 10, immediately below line 2, by inserting the  
5 following:

6 "Section 895. The Illinois Administrative Procedure Act is  
7 amended by changing Section 5-45 as follows:

8 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

9 Sec. 5-45. Emergency rulemaking.

10 (a) "Emergency" means the existence of any situation that  
11 any agency finds reasonably constitutes a threat to the public  
12 interest, safety, or welfare.

13 (b) If any agency finds that an emergency exists that  
14 requires adoption of a rule upon fewer days than is required by  
15 Section 5-40 and states in writing its reasons for that  
16 finding, the agency may adopt an emergency rule without prior

1 notice or hearing upon filing a notice of emergency rulemaking  
2 with the Secretary of State under Section 5-70. The notice  
3 shall include the text of the emergency rule and shall be  
4 published in the Illinois Register. Consent orders or other  
5 court orders adopting settlements negotiated by an agency may  
6 be adopted under this Section. Subject to applicable  
7 constitutional or statutory provisions, an emergency rule  
8 becomes effective immediately upon filing under Section 5-65 or  
9 at a stated date less than 10 days thereafter. The agency's  
10 finding and a statement of the specific reasons for the finding  
11 shall be filed with the rule. The agency shall take reasonable  
12 and appropriate measures to make emergency rules known to the  
13 persons who may be affected by them.

14 (c) An emergency rule may be effective for a period of not  
15 longer than 150 days, but the agency's authority to adopt an  
16 identical rule under Section 5-40 is not precluded. No  
17 emergency rule may be adopted more than once in any 24-month  
18 period, except that this limitation on the number of emergency  
19 rules that may be adopted in a 24-month period does not apply  
20 to (i) emergency rules that make additions to and deletions  
21 from the Drug Manual under Section 5-5.16 of the Illinois  
22 Public Aid Code or the generic drug formulary under Section  
23 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)  
24 emergency rules adopted by the Pollution Control Board before  
25 July 1, 1997 to implement portions of the Livestock Management  
26 Facilities Act, (iii) emergency rules adopted by the Illinois

1 Department of Public Health under subsections (a) through (i)  
2 of Section 2 of the Department of Public Health Act when  
3 necessary to protect the public's health, (iv) emergency rules  
4 adopted pursuant to subsection (n) of this Section, (v)  
5 emergency rules adopted pursuant to subsection (o) of this  
6 Section, or (vi) emergency rules adopted pursuant to subsection  
7 (c-5) of this Section. Two or more emergency rules having  
8 substantially the same purpose and effect shall be deemed to be  
9 a single rule for purposes of this Section.

10 (c-5) To facilitate the maintenance of the program of group  
11 health benefits provided to annuitants, survivors, and retired  
12 employees under the State Employees Group Insurance Act of  
13 1971, rules to alter the contributions to be paid by the State,  
14 annuitants, survivors, retired employees, or any combination  
15 of those entities, for that program of group health benefits,  
16 shall be adopted as emergency rules. The adoption of those  
17 rules shall be considered an emergency and necessary for the  
18 public interest, safety, and welfare.

19 (d) In order to provide for the expeditious and timely  
20 implementation of the State's fiscal year 1999 budget,  
21 emergency rules to implement any provision of Public Act 90-587  
22 or 90-588 or any other budget initiative for fiscal year 1999  
23 may be adopted in accordance with this Section by the agency  
24 charged with administering that provision or initiative,  
25 except that the 24-month limitation on the adoption of  
26 emergency rules and the provisions of Sections 5-115 and 5-125

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

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

17 (f) In order to provide for the expeditious and timely  
18 implementation of the State's fiscal year 2001 budget,  
19 emergency rules to implement any provision of Public Act 91-712  
20 or any other budget initiative for fiscal year 2001 may be  
21 adopted in accordance with this Section by the agency charged  
22 with administering that provision or initiative, except that  
23 the 24-month limitation on the adoption of emergency rules and  
24 the provisions of Sections 5-115 and 5-125 do not apply to  
25 rules adopted under this subsection (f). The adoption of  
26 emergency rules authorized by this subsection (f) shall be

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

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

15 (h) In order to provide for the expeditious and timely  
16 implementation of the State's fiscal year 2003 budget,  
17 emergency rules to implement any provision of Public Act 92-597  
18 or any other budget initiative for fiscal year 2003 may be  
19 adopted in accordance with this Section by the agency charged  
20 with administering that provision or initiative, except that  
21 the 24-month limitation on the adoption of emergency rules and  
22 the provisions of Sections 5-115 and 5-125 do not apply to  
23 rules adopted under this subsection (h). The adoption of  
24 emergency rules authorized by this subsection (h) shall be  
25 deemed to be necessary for the public interest, safety, and  
26 welfare.

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

13           (j) In order to provide for the expeditious and timely  
14 implementation of the provisions of the State's fiscal year  
15 2005 budget as provided under the Fiscal Year 2005 Budget  
16 Implementation (Human Services) Act, emergency rules to  
17 implement any provision of the Fiscal Year 2005 Budget  
18 Implementation (Human Services) Act may be adopted in  
19 accordance with this Section by the agency charged with  
20 administering that provision, except that the 24-month  
21 limitation on the adoption of emergency rules and the  
22 provisions of Sections 5-115 and 5-125 do not apply to rules  
23 adopted under this subsection (j). The Department of Public Aid  
24 may also adopt rules under this subsection (j) necessary to  
25 administer the Illinois Public Aid Code and the Children's  
26 Health Insurance Program Act. The adoption of emergency rules

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

3 (k) In order to provide for the expeditious and timely  
4 implementation of the provisions of the State's fiscal year  
5 2006 budget, emergency rules to implement any provision of  
6 Public Act 94-48 or any other budget initiative for fiscal year  
7 2006 may be adopted in accordance with this Section by the  
8 agency charged with administering that provision or  
9 initiative, except that the 24-month limitation on the adoption  
10 of emergency rules and the provisions of Sections 5-115 and  
11 5-125 do not apply to rules adopted under this subsection (k).  
12 The Department of Healthcare and Family Services may also adopt  
13 rules under this subsection (k) necessary to administer the  
14 Illinois Public Aid Code, the Senior Citizens and Persons with  
15 Disabilities Property Tax Relief Act, the Senior Citizens and  
16 Disabled Persons Prescription Drug Discount Program Act (now  
17 the Illinois Prescription Drug Discount Program Act), and the  
18 Children's Health Insurance Program Act. The adoption of  
19 emergency rules authorized by this subsection (k) shall be  
20 deemed to be necessary for the public interest, safety, and  
21 welfare.

22 (l) In order to provide for the expeditious and timely  
23 implementation of the provisions of the State's fiscal year  
24 2007 budget, the Department of Healthcare and Family Services  
25 may adopt emergency rules during fiscal year 2007, including  
26 rules effective July 1, 2007, 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 (l) shall be deemed to be necessary for the  
8 public interest, safety, and welfare.

9 (m) In order to provide for the expeditious and timely  
10 implementation of the provisions of the State's fiscal year  
11 2008 budget, the Department of Healthcare and Family Services  
12 may adopt emergency rules during fiscal year 2008, including  
13 rules effective July 1, 2008, 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 (m) shall be deemed to be necessary for the  
21 public interest, safety, and welfare.

22 (n) In order to provide for the expeditious and timely  
23 implementation of the provisions of the State's fiscal year  
24 2010 budget, emergency rules to implement any provision of  
25 Public Act 96-45 or any other budget initiative authorized by  
26 the 96th General Assembly for fiscal year 2010 may be adopted



1 in accordance with this Section by the agency charged with  
2 administering that provision or initiative. The adoption of  
3 emergency rules authorized by this subsection (n) shall be  
4 deemed to be necessary for the public interest, safety, and  
5 welfare. The rulemaking authority granted in this subsection  
6 (n) shall apply only to rules promulgated during Fiscal Year  
7 2010.

8 (o) In order to provide for the expeditious and timely  
9 implementation of the provisions of the State's fiscal year  
10 2011 budget, emergency rules to implement any provision of  
11 Public Act 96-958 or any other budget initiative authorized by  
12 the 96th General Assembly for fiscal year 2011 may be adopted  
13 in accordance with this Section by the agency charged with  
14 administering that provision or initiative. The adoption of  
15 emergency rules authorized by this subsection (o) is deemed to  
16 be necessary for the public interest, safety, and welfare. The  
17 rulemaking authority granted in this subsection (o) applies  
18 only to rules promulgated on or after July 1, 2010 (the  
19 effective date of Public Act 96-958) through June 30, 2011.

20 (p) In order to provide for the expeditious and timely  
21 implementation of the provisions of Public Act 97-689,  
22 emergency rules to implement any provision of Public Act 97-689  
23 may be adopted in accordance with this subsection (p) by the  
24 agency charged with administering that provision or  
25 initiative. The 150-day limitation of the effective period of  
26 emergency rules does not apply to rules adopted under this

1 subsection (p), and the effective period may continue through  
2 June 30, 2013. The 24-month limitation on the adoption of  
3 emergency rules does not apply to rules adopted under this  
4 subsection (p). The adoption of emergency rules authorized by  
5 this subsection (p) is deemed to be necessary for the public  
6 interest, safety, and welfare.

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

18 (r) In order to provide for the expeditious and timely  
19 implementation of the provisions of Public Act 98-651,  
20 emergency rules to implement Public Act 98-651 may be adopted  
21 in accordance with this subsection (r) by the Department of  
22 Healthcare and Family Services. The 24-month limitation on the  
23 adoption of emergency rules does not apply to rules adopted  
24 under this subsection (r). The adoption of emergency rules  
25 authorized by this subsection (r) is deemed to be necessary for  
26 the public interest, safety, and welfare.

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

14           (t) In order to provide for the expeditious and timely  
15 implementation of the provisions of Article II of Public Act  
16 99-6, emergency rules to implement the changes made by Article  
17 II of Public Act 99-6 to the Emergency Telephone System Act may  
18 be adopted in accordance with this subsection (t) by the  
19 Department of State Police. The rulemaking authority granted in  
20 this subsection (t) shall apply only to those rules adopted  
21 prior to July 1, 2016. The 24-month limitation on the adoption  
22 of emergency rules does not apply to rules adopted under this  
23 subsection (t). The adoption of emergency rules authorized by  
24 this subsection (t) is deemed to be necessary for the public  
25 interest, safety, and welfare.

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

1 implementation of the provisions of the Burn Victims Relief  
2 Act, emergency rules to implement any provision of the Act may  
3 be adopted in accordance with this subsection (u) by the  
4 Department of Insurance. The rulemaking authority granted in  
5 this subsection (u) shall apply only to those rules adopted  
6 prior to December 31, 2015. The adoption of emergency rules  
7 authorized by this subsection (u) is deemed to be necessary for  
8 the public interest, safety, and welfare.

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

18 (w) In order to provide for the expeditious and timely  
19 implementation of the provisions of Public Act 99-796,  
20 emergency rules to implement the changes made by Public Act  
21 99-796 may be adopted in accordance with this subsection (w) by  
22 the Adjutant General. The adoption of emergency rules  
23 authorized by this subsection (w) is deemed to be necessary for  
24 the public interest, safety, and welfare.

25 (x) In order to provide for the expeditious and timely  
26 implementation of the provisions of Public Act 99-906,

1 emergency rules to implement subsection (i) of Section 16-115D,  
2 subsection (g) of Section 16-128A, and subsection (a) of  
3 Section 16-128B of the Public Utilities Act may be adopted in  
4 accordance with this subsection (x) by the Illinois Commerce  
5 Commission. The rulemaking authority granted in this  
6 subsection (x) shall apply only to those rules adopted within  
7 180 days after June 1, 2017 (the effective date of Public Act  
8 99-906). The adoption of emergency rules authorized by this  
9 subsection (x) is deemed to be necessary for the public  
10 interest, safety, and welfare.

11 (y) In order to provide for the expeditious and timely  
12 implementation of the provisions of this amendatory Act of the  
13 100th General Assembly, emergency rules to implement the  
14 changes made by this amendatory Act of the 100th General  
15 Assembly to Section 4.02 of the Illinois Act on Aging, Sections  
16 5.5.4 and 5-5.4i of the Illinois Public Aid Code, Section 55-30  
17 of the Alcoholism and Other Drug Abuse and Dependency Act, and  
18 Sections 74 and 75 of the Mental Health and Developmental  
19 Disabilities Administrative Act may be adopted in accordance  
20 with this subsection (y) by the respective Department. The  
21 adoption of emergency rules authorized by this subsection (y)  
22 is deemed to be necessary for the public interest, safety, and  
23 welfare.

24 (z) In order to provide for the expeditious and timely  
25 implementation of the provisions of this amendatory Act of the  
26 100th General Assembly, emergency rules to implement the

1 changes made by this amendatory Act of the 100th General  
2 Assembly to Section 4.7 of the Lobbyist Registration Act may be  
3 adopted in accordance with this subsection (z) by the Secretary  
4 of State. The adoption of emergency rules authorized by this  
5 subsection (z) is deemed to be necessary for the public  
6 interest, safety, and welfare.

7 (aa) In order to provide for the expeditious and timely  
8 initial implementation of the changes made to Articles 5, 5A,  
9 12, and 14 of the Illinois Public Aid Code under the provisions  
10 of this amendatory Act of the 100th General Assembly, the  
11 Department of Healthcare and Family Services may adopt  
12 emergency rules in accordance with this subsection (aa). The  
13 24-month limitation on the adoption of emergency rules does not  
14 apply to rules to initially implement the changes made to  
15 Articles 5, 5A, 12, and 14 of the Illinois Public Aid Code  
16 adopted under this subsection (aa). The adoption of emergency  
17 rules authorized by this subsection (aa) is deemed to be  
18 necessary for the public interest, safety, and welfare.

19 (bb) In order to provide for the expeditious and timely  
20 implementation of the provisions of this amendatory Act of the  
21 100th General Assembly, emergency rules to administer the  
22 Illinois Education Excellence Fund, as provided in Section  
23 6z-105 of the State Finance Act, may be adopted in accordance  
24 with this subsection (bb) by the Treasurer. The adoption of  
25 emergency rules authorized by this subsection (bb) is deemed to  
26 be necessary for the public interest, safety, and welfare.

1 (Source: P.A. 99-2, eff. 3-26-15; 99-6, eff. 1-1-16; 99-143,  
2 eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff. 6-30-16;  
3 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906, eff. 6-1-17;  
4 100-23, eff. 7-6-17; 100-554, eff. 11-16-17; 100-581, eff.  
5 3-12-18.)"; and

6 on page 11, line 5, after "rules", by inserting ", including  
7 emergency rules under subsection (bb) of Section 5-45 of the  
8 Illinois Administrative Procedure Act,"; and

9 on page 11, line 7, after "deductions.", by inserting "The  
10 General Assembly finds that the adoption of rules to implement  
11 this Section is deemed an emergency and necessary for the  
12 public interest, safety, and welfare.".