

1 AMENDMENT TO SENATE BILL 884

2 AMENDMENT NO. _____. Amend Senate Bill 884, AS AMENDED,
3 immediately below the enacting clause, by inserting the
4 following:

5 "Section 3. The Illinois Administrative Procedure Act is
6 amended by changing Section 5-45 as follows:

7 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

8 Sec. 5-45. Emergency rulemaking.

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

12 (b) If any agency finds that an emergency exists that
13 requires adoption of a rule upon fewer days than is required
14 by Section 5-40 and states in writing its reasons for that
15 finding, the agency may adopt an emergency rule without prior
16 notice or hearing upon filing a notice of emergency
17 rulemaking with the Secretary of State under Section 5-70.
18 The notice shall include the text of the emergency rule and
19 shall be published in the Illinois Register. Consent orders
20 or other court orders adopting settlements negotiated by an
21 agency may be adopted under this Section. Subject to
22 applicable constitutional or statutory provisions, an

1 emergency rule becomes effective immediately upon filing
2 under Section 5-65 or at a stated date less than 10 days
3 thereafter. The agency's finding and a statement of the
4 specific reasons for the finding shall be filed with the
5 rule. The agency shall take reasonable and appropriate
6 measures to make emergency rules known to the persons who may
7 be affected by them.

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

23 (d) In order to provide for the expeditious and timely
24 implementation of the State's fiscal year 1999 budget,
25 emergency rules to implement any provision of Public Act
26 90-587 or 90-588 or any other budget initiative for fiscal
27 year 1999 may be adopted in accordance with this Section by
28 the agency charged with administering that provision or
29 initiative, except that the 24-month limitation on the
30 adoption of emergency rules and the provisions of Sections
31 5-115 and 5-125 do not apply to rules adopted under this
32 subsection (d). The adoption of emergency rules authorized
33 by this subsection (d) shall be deemed to be necessary for
34 the public interest, safety, and welfare.

1 (e) In order to provide for the expeditious and timely
2 implementation of the State's fiscal year 2000 budget,
3 emergency rules to implement any provision of this amendatory
4 Act of the 91st General Assembly or any other budget
5 initiative for fiscal year 2000 may be adopted in accordance
6 with this Section by the agency charged with administering
7 that provision or initiative, 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 (e). The adoption of emergency
11 rules authorized by this subsection (e) shall be deemed to be
12 necessary for the public interest, safety, and welfare.

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

25 (g) In order to provide for the expeditious and timely
26 implementation of the State's fiscal year 2002 budget,
27 emergency rules to implement any provision of this amendatory
28 Act of the 92nd General Assembly or any other budget
29 initiative for fiscal year 2002 may be adopted in accordance
30 with this Section by the agency charged with administering
31 that provision or initiative, except that the 24-month
32 limitation on the adoption of emergency rules and the
33 provisions of Sections 5-115 and 5-125 do not apply to rules
34 adopted under this subsection (g). The adoption of emergency

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

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

15 (i) In order to provide for the expeditious and timely
16 implementation of Section 13-410 of the Public Utilities Act,
17 emergency rules to implement any provision of Section 13-410
18 may be adopted in accordance with this Section by the
19 Illinois Commerce Commission. The adoption of emergency rules
20 authorized by this subsection (i) shall be deemed to be
21 necessary for the public interest, safety, and welfare.

22 (Source: P.A. 91-24, eff. 7-1-99; 91-357, eff. 7-29-99;
23 91-712, eff. 7-1-00; 92-10, eff. 6-11-01; 92-597, eff.
24 6-28-02.)"; and

25 in Section 5, in the introductory clause, after "93-5", by
26 inserting "and by adding Section 13-410"; and

27 in Section 5, immediately below Sec. 13-409, by inserting the
28 following:

29 "(220 ILCS 5/13-410 new)
30 (Section scheduled to be repealed on July 1, 2005)
31 Sec. 13-410. Local retail rates; study; limitation.
32 (a) The Illinois Commerce Commission shall conduct a

1 study to determine the lowest local basic service rates for
2 telecommunications services immediately before May 9, 2003
3 (the effective date of Public Act 93-5). The Commission shall
4 report its findings to the Governor and the General Assembly
5 before November 1, 2003.

6 (b) Beginning January 1, 2004, persons eligible for a
7 grant under Section 4 of the Senior Citizens and Disabled
8 Persons Property Tax Relief and Pharmaceutical Assistance Act
9 must not be charged telecommunications rates for local basic
10 service by an incumbent local exchange carrier whose
11 wholesale rates increased as a result of Public Act 93-5
12 higher than the lowest local basic service rates immediately
13 before May 9, 2003 (the effective date of Public Act 93-5),
14 as determined by the Illinois Commerce Commission under
15 subsection (a) of this Section. Each incumbent local exchange
16 carrier whose wholesale rates increased as a result of Public
17 Act 93-5 must notify all of its customers of the provisions
18 of this subsection (b).

19 (c) The Illinois Commerce Commission must adopt any
20 rules necessary to implement this Section."