



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB2065

Introduced 2/10/2011, by Sen. Christine Radogno

#### SYNOPSIS AS INTRODUCED:

5 ILCS 100/5-50

from Ch. 127, par. 1005-50

Amends the Illinois Administrative Procedure Act. Provides that the peremptory rulemaking procedure applies only to collective bargaining agreements executed before the effective date of the amendatory Act.

LRB097 10317 JDS 50525 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 Section 5-50 as follows:

6 (5 ILCS 100/5-50) (from Ch. 127, par. 1005-50)

7 Sec. 5-50. Peremptory rulemaking. "Peremptory rulemaking"  
8 means any rulemaking that is required as a result of federal  
9 law, federal rules and regulations, an order of a court, or a  
10 collective bargaining agreement pursuant to subsection (d) of  
11 Section 1-5 executed before the effective date of this  
12 amendatory Act of the 97th General Assembly, under conditions  
13 that preclude compliance with the general rulemaking  
14 requirements imposed by Section 5-40 and that preclude the  
15 exercise of discretion by the agency as to the content of the  
16 rule it is required to adopt. Peremptory rulemaking shall not  
17 be used to implement consent orders or other court orders  
18 adopting settlements negotiated by the agency. If any agency  
19 finds that peremptory rulemaking is necessary and states in  
20 writing its reasons for that finding, the agency may adopt  
21 peremptory rulemaking upon filing a notice of rulemaking with  
22 the Secretary of State under Section 5-70. The notice shall be  
23 published in the Illinois Register. A rule adopted under the

1 peremptory rulemaking provisions of this Section becomes  
2 effective immediately upon filing with the Secretary of State  
3 and in the agency's principal office, or at a date required or  
4 authorized by the relevant federal law, federal rules and  
5 regulations, or court order, as stated in the notice of  
6 rulemaking. Notice of rulemaking under this Section shall be  
7 published in the Illinois Register, shall specifically refer to  
8 the appropriate State or federal court order or federal law,  
9 rules, and regulations, and shall be in a form as the Secretary  
10 of State may reasonably prescribe by rule. The agency shall  
11 file the notice of peremptory rulemaking within 30 days after a  
12 change in rules is required.

13       The Department of Healthcare and Family Services may adopt  
14 peremptory rulemaking under the terms and conditions of this  
15 Section to implement final payments included in a State  
16 Medicaid Plan Amendment approved by the Centers for Medicare  
17 and Medicaid Services of the United States Department of Health  
18 and Human Services and authorized under Section 5A-12.2 of the  
19 Illinois Public Aid Code, and to adjust hospital provider  
20 assessments as Medicaid Provider-Specific Taxes permitted by  
21 Title XIX of the federal Social Security Act and authorized  
22 under Section 5A-2 of the Illinois Public Aid Code.

23       (Source: P.A. 95-859, eff. 8-19-08.)