

1 AN ACT concerning regulation.

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 5-40, 5-45, 5-50, 5-60, and 5-65
6 as follows:

7 (5 ILCS 100/5-40) (from Ch. 127, par. 1005-40)

8 Sec. 5-40. General rulemaking.

9 (a) In all rulemaking to which Sections 5-45 and 5-50 do
10 not apply, each agency shall comply with this Section.

11 (b) Each agency shall give at least 45 days' notice of its
12 intended action to the general public. This first notice
13 period shall commence on the first day the notice appears in
14 the Illinois Register. The first notice shall include all the
15 following:

16 (1) The text of the proposed rule, the old and new
17 materials of a proposed amendment, or the text of the
18 provision to be repealed.

19 (2) The specific statutory citation upon which the
20 proposed rule, the proposed amendment to a rule, or the
21 proposed repeal of a rule is based and by which it is
22 authorized.

23 (3) A complete description of the subjects and issues

1 involved.

2 (3.5) A descriptive title or other description of any
3 published study or research report used in developing the
4 rule, the identity of the person who performed such study,
5 and a description of where the public may obtain a copy of
6 any such study or research report. If the study was
7 performed by an agency or by a person or entity that
8 contracted with the agency for the performance of the
9 study, the agency shall also make copies of the underlying
10 data available to members of the public upon request if
11 the data are not protected from disclosure under the
12 Freedom of Information Act.

13 (4) For all proposed rules and proposed amendments to
14 rules, an initial regulatory flexibility analysis
15 containing a description of the types of small businesses
16 subject to the rule; a brief description of the proposed
17 reporting, bookkeeping, and other procedures required for
18 compliance with the rule; and a description of the types
19 of professional skills necessary for compliance.

20 (5) The time, place, and manner in which interested
21 persons may present their views and comments concerning
22 the proposed rulemaking.

23 During the first notice period, the agency shall accept
24 ~~from any interested persons~~ data, views, arguments, or
25 comments from any interested persons. The agency shall accept
26 submissions in writing, including submissions by email or by

1 other publicly accessible electronic means through its
2 website. In the discretion of the agency, submissions may be
3 submitted orally. These may, in the discretion of the agency,
4 ~~be submitted either orally or in writing or both.~~ The notice
5 published in the Illinois Register shall indicate the manner
6 selected by the agency for the submissions, including the
7 email address or website address where submissions will be
8 accepted. The agency shall consider all submissions received.

9 The agency shall hold a public hearing on the proposed
10 rulemaking during the first notice period if (i) during the
11 first notice period, the agency finds that a public hearing
12 would facilitate the submission of views and comments that
13 might not otherwise be submitted or (ii) the agency receives a
14 request for a public hearing, within the first 14 days after
15 publication of the notice of proposed rulemaking in the
16 Illinois Register, from 25 interested persons, an association
17 representing at least 100 interested persons, the Governor,
18 the Joint Committee on Administrative Rules, or a unit of
19 local government that may be affected. At the public hearing,
20 the agency shall allow interested persons to present views and
21 comments on the proposed rulemaking. A public hearing in
22 response to a request for a hearing may not be held less than
23 20 days after the publication of the notice of proposed
24 rulemaking in the Illinois Register unless notice of the
25 public hearing is included in the notice of proposed
26 rulemaking. A public hearing on proposed rulemaking may not be

1 held less than 5 days before submission of the notice required
2 under subsection (c) of this Section to the Joint Committee on
3 Administrative Rules. Each agency may prescribe reasonable
4 rules for the conduct of public hearings on proposed
5 rulemaking to prevent undue repetition at the hearings. The
6 hearings must be open to the public and recorded by
7 stenographic or mechanical means. At least one agency
8 representative shall be present during the hearing who is
9 qualified to respond to general questions from the public
10 regarding the agency's proposal and the rulemaking process.

11 (c) Each agency shall provide additional notice of the
12 proposed rulemaking to the Joint Committee on Administrative
13 Rules. The period commencing on the day written notice is
14 received by the Joint Committee shall be known as the second
15 notice period and shall expire 45 days thereafter unless
16 before that time the agency and the Joint Committee have
17 agreed to extend the second notice period beyond 45 days for a
18 period not to exceed an additional 45 days or unless the agency
19 has received a statement of objection from the Joint Committee
20 or notification from the Joint Committee that no objection
21 will be issued. The written notice to the Joint Committee
22 shall include (i) the text and location of any changes made to
23 the proposed rulemaking during the first notice period in a
24 form prescribed by the Joint Committee; (ii) for all proposed
25 rules and proposed amendments to rules, a final regulatory
26 flexibility analysis containing a summary of issues raised by

1 small businesses during the first notice period and a
2 description of actions taken on any alternatives to the
3 proposed rule suggested by small businesses during the first
4 notice period, including reasons for rejecting any
5 alternatives not utilized; and (iii) if a written request has
6 been made by the Joint Committee within 30 days after initial
7 notice appears in the Illinois Register under subsection (b)
8 of this Section, an analysis of the economic and budgetary
9 effects of the proposed rulemaking. After commencement of the
10 second notice period, no substantive change may be made to a
11 proposed rulemaking unless it is made in response to an
12 objection or suggestion of the Joint Committee. The agency
13 shall also send a copy of the final regulatory flexibility
14 analysis to each small business that has presented views or
15 comments on the proposed rulemaking during the first notice
16 period and to any other interested person who requests a copy.
17 The agency may charge a reasonable fee for providing the
18 copies to cover postage and handling costs.

19 (d) After the expiration of the second notice period,
20 after notification from the Joint Committee that no objection
21 will be issued, or after a response by the agency to a
22 statement of objections issued by the Joint Committee,
23 whichever is applicable, the agency shall file, under Section
24 5-65, a certified copy of each rule, modification, or repeal
25 of any rule adopted by it. The copy shall be published in the
26 Illinois Register. Each rule hereafter adopted under this

1 Section is effective upon filing unless a later effective date
2 is required by statute or is specified in the rulemaking.

3 (e) No rule or modification or repeal of any rule may be
4 adopted, or filed with the Secretary of State, more than one
5 year after the date the first notice period for the rulemaking
6 under subsection (b) commenced. Any period during which the
7 rulemaking is prohibited from being filed under Section 5-115
8 shall not be considered in calculating this one-year time
9 period.

10 (Source: P.A. 92-330, eff. 1-1-02.)

11 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

12 Sec. 5-45. Emergency rulemaking.

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

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

1 constitutional or statutory provisions, an emergency rule
2 becomes effective immediately upon filing under Section 5-65
3 or at a stated date less than 10 days thereafter. The agency's
4 finding and a statement of the specific reasons for the
5 finding shall be filed with the rule. The agency shall take
6 reasonable and appropriate measures to make emergency rules
7 known to the persons who may be affected by them. The agency
8 shall accept data, views, arguments, or comments regarding the
9 emergency rulemaking from any interested persons. The agency
10 shall accept submissions in writing, including submissions by
11 email or by other publicly accessible electronic means through
12 its website. In the discretion of the agency, submissions may
13 be submitted orally. The notice published in the Illinois
14 Register shall indicate the manner selected by the agency for
15 the submissions, including the email address or website
16 address where submissions will be accepted. The agency shall
17 consider all submissions received.

18 (c) An emergency rule may be effective for a period of not
19 longer than 150 days, but the agency's authority to adopt an
20 identical rule under Section 5-40 is not precluded. No
21 emergency rule may be adopted more than once in any 24-month
22 period, except that this limitation on the number of emergency
23 rules that may be adopted in a 24-month period does not apply
24 to (i) emergency rules that make additions to and deletions
25 from the Drug Manual under Section 5-5.16 of the Illinois
26 Public Aid Code or the generic drug formulary under Section

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

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

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

1 year 1999 may be adopted in accordance with this Section by the
2 agency charged with administering that provision or
3 initiative, except that the 24-month limitation on the
4 adoption of emergency rules and the provisions of Sections
5 5-115 and 5-125 do not apply to rules adopted under this
6 subsection (d). The adoption of emergency rules authorized by
7 this subsection (d) shall be deemed to be necessary for the
8 public interest, safety, and welfare.

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

21 (f) In order to provide for the expeditious and timely
22 implementation of the State's fiscal year 2001 budget,
23 emergency rules to implement any provision of Public Act
24 91-712 or any other budget initiative for fiscal year 2001 may
25 be adopted in accordance with this Section by the agency
26 charged with administering that provision or initiative,

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

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

19 (h) In order to provide for the expeditious and timely
20 implementation of the State's fiscal year 2003 budget,
21 emergency rules to implement any provision of Public Act
22 92-597 or any other budget initiative for fiscal year 2003 may
23 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 (h). The
2 adoption of emergency rules authorized by this subsection (h)
3 shall be deemed to be necessary for the public interest,
4 safety, and welfare.

5 (i) In order to provide for the expeditious and timely
6 implementation of the State's fiscal year 2004 budget,
7 emergency rules to implement any provision of Public Act 93-20
8 or any other budget initiative for fiscal year 2004 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 (i). The adoption of
14 emergency rules authorized by this subsection (i) shall be
15 deemed to be necessary for the public interest, safety, and
16 welfare.

17 (j) In order to provide for the expeditious and timely
18 implementation of the provisions of the State's fiscal year
19 2005 budget as provided under the Fiscal Year 2005 Budget
20 Implementation (Human Services) Act, emergency rules to
21 implement any provision of the Fiscal Year 2005 Budget
22 Implementation (Human Services) Act may be adopted in
23 accordance with this Section by the agency charged with
24 administering that provision, except that the 24-month
25 limitation on the adoption of emergency rules and the
26 provisions of Sections 5-115 and 5-125 do not apply to rules

1 adopted under this subsection (j). The Department of Public
2 Aid may also adopt rules under this subsection (j) necessary
3 to administer the Illinois Public Aid Code and the Children's
4 Health Insurance Program Act. The adoption of emergency rules
5 authorized by this subsection (j) shall be deemed to be
6 necessary for the public interest, safety, and welfare.

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

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

1 implementation of the provisions of the State's fiscal year
2 2007 budget, the Department of Healthcare and Family Services
3 may adopt emergency rules during fiscal year 2007, including
4 rules effective July 1, 2007, in accordance with this
5 subsection to the extent necessary to administer the
6 Department's responsibilities with respect to amendments to
7 the State plans and Illinois waivers approved by the federal
8 Centers for Medicare and Medicaid Services necessitated by the
9 requirements of Title XIX and Title XXI of the federal Social
10 Security Act. The adoption of emergency rules authorized by
11 this subsection (l) shall be deemed to be necessary for the
12 public interest, safety, and welfare.

13 (m) In order to provide for the expeditious and timely
14 implementation of the provisions of the State's fiscal year
15 2008 budget, the Department of Healthcare and Family Services
16 may adopt emergency rules during fiscal year 2008, including
17 rules effective July 1, 2008, in accordance with this
18 subsection to the extent necessary to administer the
19 Department's responsibilities with respect to amendments to
20 the State plans and Illinois waivers approved by the federal
21 Centers for Medicare and Medicaid Services necessitated by the
22 requirements of Title XIX and Title XXI of the federal Social
23 Security Act. The adoption of emergency rules authorized by
24 this subsection (m) shall be deemed to be necessary for the
25 public interest, safety, and welfare.

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

1 implementation of the provisions of the State's fiscal year
2 2010 budget, emergency rules to implement any provision of
3 Public Act 96-45 or any other budget initiative authorized by
4 the 96th General Assembly for fiscal year 2010 may be adopted
5 in accordance with this Section by the agency charged with
6 administering that provision or initiative. The adoption of
7 emergency rules authorized by this subsection (n) shall be
8 deemed to be necessary for the public interest, safety, and
9 welfare. The rulemaking authority granted in this subsection
10 (n) shall apply only to rules promulgated during Fiscal Year
11 2010.

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

24 (p) In order to provide for the expeditious and timely
25 implementation of the provisions of Public Act 97-689,
26 emergency rules to implement any provision of Public Act

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

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

22 (r) In order to provide for the expeditious and timely
23 implementation of the provisions of Public Act 98-651,
24 emergency rules to implement Public Act 98-651 may be adopted
25 in accordance with this subsection (r) by the Department of
26 Healthcare and Family Services. The 24-month limitation on the

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

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

19 (t) In order to provide for the expeditious and timely
20 implementation of the provisions of Article II of Public Act
21 99-6, emergency rules to implement the changes made by Article
22 II of Public Act 99-6 to the Emergency Telephone System Act may
23 be adopted in accordance with this subsection (t) by the
24 Department of State Police. The rulemaking authority granted
25 in this subsection (t) shall apply only to those rules adopted
26 prior to July 1, 2016. The 24-month limitation on the adoption

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

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

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

23 (w) In order to provide for the expeditious and timely
24 implementation of the provisions of Public Act 99-796,
25 emergency rules to implement the changes made by Public Act
26 99-796 may be adopted in accordance with this subsection (w)

1 by the Adjutant General. The adoption of emergency rules
2 authorized by this subsection (w) is deemed to be necessary
3 for the public interest, safety, and welfare.

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

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

1 interest, safety, and welfare.

2 (z) In order to provide for the expeditious and timely
3 implementation of the provisions of Public Act 100-554,
4 emergency rules to implement the changes made by Public Act
5 100-554 to Section 4.7 of the Lobbyist Registration Act may be
6 adopted in accordance with this subsection (z) by the
7 Secretary of State. The adoption of emergency rules authorized
8 by this subsection (z) is deemed to be necessary for the public
9 interest, safety, and welfare.

10 (aa) In order to provide for the expeditious and timely
11 initial implementation of the changes made to Articles 5, 5A,
12 12, and 14 of the Illinois Public Aid Code under the provisions
13 of Public Act 100-581, the Department of Healthcare and Family
14 Services may adopt emergency rules in accordance with this
15 subsection (aa). The 24-month limitation on the adoption of
16 emergency rules does not apply to rules to initially implement
17 the changes made to Articles 5, 5A, 12, and 14 of the Illinois
18 Public Aid Code adopted under this subsection (aa). The
19 adoption of emergency rules authorized by this subsection (aa)
20 is deemed to be necessary for the public interest, safety, and
21 welfare.

22 (bb) In order to provide for the expeditious and timely
23 implementation of the provisions of Public Act 100-587,
24 emergency rules to implement the changes made by Public Act
25 100-587 to Section 4.02 of the Illinois Act on the Aging,
26 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,

1 subsection (b) of Section 55-30 of the Alcoholism and Other
2 Drug Abuse and Dependency Act, Section 5-104 of the
3 Specialized Mental Health Rehabilitation Act of 2013, and
4 Section 75 and subsection (b) of Section 74 of the Mental
5 Health and Developmental Disabilities Administrative Act may
6 be adopted in accordance with this subsection (bb) by the
7 respective Department. The adoption of emergency rules
8 authorized by this subsection (bb) is deemed to be necessary
9 for the public interest, safety, and welfare.

10 (cc) In order to provide for the expeditious and timely
11 implementation of the provisions of Public Act 100-587,
12 emergency rules may be adopted in accordance with this
13 subsection (cc) to implement the changes made by Public Act
14 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois
15 Pension Code by the Board created under Article 14 of the Code;
16 Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by
17 the Board created under Article 15 of the Code; and Sections
18 16-190.5 and 16-190.6 of the Illinois Pension Code by the
19 Board created under Article 16 of the Code. The adoption of
20 emergency rules authorized by this subsection (cc) is deemed
21 to be necessary for the public interest, safety, and welfare.

22 (dd) In order to provide for the expeditious and timely
23 implementation of the provisions of Public Act 100-864,
24 emergency rules to implement the changes made by Public Act
25 100-864 to Section 3.35 of the Newborn Metabolic Screening Act
26 may be adopted in accordance with this subsection (dd) by the

1 Secretary of State. The adoption of emergency rules authorized
2 by this subsection (dd) is deemed to be necessary for the
3 public interest, safety, and welfare.

4 (ee) In order to provide for the expeditious and timely
5 implementation of the provisions of Public Act 100-1172,
6 emergency rules implementing the Illinois Underground Natural
7 Gas Storage Safety Act may be adopted in accordance with this
8 subsection by the Department of Natural Resources. The
9 adoption of emergency rules authorized by this subsection is
10 deemed to be necessary for the public interest, safety, and
11 welfare.

12 (ff) In order to provide for the expeditious and timely
13 initial implementation of the changes made to Articles 5A and
14 14 of the Illinois Public Aid Code under the provisions of
15 Public Act 100-1181, the Department of Healthcare and Family
16 Services may on a one-time-only basis adopt emergency rules in
17 accordance with this subsection (ff). The 24-month limitation
18 on the adoption of emergency rules does not apply to rules to
19 initially implement the changes made to Articles 5A and 14 of
20 the Illinois Public Aid Code adopted under this subsection
21 (ff). The adoption of emergency rules authorized by this
22 subsection (ff) is deemed to be necessary for the public
23 interest, safety, and welfare.

24 (gg) In order to provide for the expeditious and timely
25 implementation of the provisions of Public Act 101-1,
26 emergency rules may be adopted by the Department of Labor in

1 accordance with this subsection (gg) to implement the changes
2 made by Public Act 101-1 to the Minimum Wage Law. The adoption
3 of emergency rules authorized by this subsection (gg) is
4 deemed to be necessary for the public interest, safety, and
5 welfare.

6 (hh) In order to provide for the expeditious and timely
7 implementation of the provisions of Public Act 101-10,
8 emergency rules may be adopted in accordance with this
9 subsection (hh) to implement the changes made by Public Act
10 101-10 to subsection (j) of Section 5-5.2 of the Illinois
11 Public Aid Code. The adoption of emergency rules authorized by
12 this subsection (hh) is deemed to be necessary for the public
13 interest, safety, and welfare.

14 (ii) In order to provide for the expeditious and timely
15 implementation of the provisions of Public Act 101-10,
16 emergency rules to implement the changes made by Public Act
17 101-10 to Sections 5-5.4 and 5-5.4i of the Illinois Public Aid
18 Code may be adopted in accordance with this subsection (ii) by
19 the Department of Public Health. The adoption of emergency
20 rules authorized by this subsection (ii) is deemed to be
21 necessary for the public interest, safety, and welfare.

22 (jj) In order to provide for the expeditious and timely
23 implementation of the provisions of Public Act 101-10,
24 emergency rules to implement the changes made by Public Act
25 101-10 to Section 74 of the Mental Health and Developmental
26 Disabilities Administrative Act may be adopted in accordance

1 with this subsection (jj) by the Department of Human Services.
2 The adoption of emergency rules authorized by this subsection
3 (jj) is deemed to be necessary for the public interest,
4 safety, and welfare.

5 (kk) In order to provide for the expeditious and timely
6 implementation of the Cannabis Regulation and Tax Act, Public
7 Act 101-27, and Public Act 102-98, the Department of Revenue,
8 the Department of Public Health, the Department of
9 Agriculture, the Department of State Police, and the
10 Department of Financial and Professional Regulation may adopt
11 emergency rules in accordance with this subsection (kk). The
12 rulemaking authority granted in this subsection (kk) shall
13 apply only to rules adopted before December 31, 2021.
14 Notwithstanding the provisions of subsection (c), emergency
15 rules adopted under this subsection (kk) shall be effective
16 for 180 days. The adoption of emergency rules authorized by
17 this subsection (kk) is deemed to be necessary for the public
18 interest, safety, and welfare.

19 (ll) In order to provide for the expeditious and timely
20 implementation of the provisions of the Leveling the Playing
21 Field for Illinois Retail Act, emergency rules may be adopted
22 in accordance with this subsection (ll) to implement the
23 changes made by the Leveling the Playing Field for Illinois
24 Retail Act. The adoption of emergency rules authorized by this
25 subsection (ll) is deemed to be necessary for the public
26 interest, safety, and welfare.

1 (mm) In order to provide for the expeditious and timely
2 implementation of the provisions of Section 25-70 of the
3 Sports Wagering Act, emergency rules to implement Section
4 25-70 of the Sports Wagering Act may be adopted in accordance
5 with this subsection (mm) by the Department of the Lottery as
6 provided in the Sports Wagering Act. The adoption of emergency
7 rules authorized by this subsection (mm) is deemed to be
8 necessary for the public interest, safety, and welfare.

9 (nn) In order to provide for the expeditious and timely
10 implementation of the Sports Wagering Act, emergency rules to
11 implement the Sports Wagering Act may be adopted in accordance
12 with this subsection (nn) by the Illinois Gaming Board. The
13 adoption of emergency rules authorized by this subsection (nn)
14 is deemed to be necessary for the public interest, safety, and
15 welfare.

16 (oo) In order to provide for the expeditious and timely
17 implementation of the provisions of subsection (c) of Section
18 20 of the Video Gaming Act, emergency rules to implement the
19 provisions of subsection (c) of Section 20 of the Video Gaming
20 Act may be adopted in accordance with this subsection (oo) by
21 the Illinois Gaming Board. The adoption of emergency rules
22 authorized by this subsection (oo) is deemed to be necessary
23 for the public interest, safety, and welfare.

24 (pp) In order to provide for the expeditious and timely
25 implementation of the provisions of Section 50 of the Sexual
26 Assault Evidence Submission Act, emergency rules to implement

1 Section 50 of the Sexual Assault Evidence Submission Act may
2 be adopted in accordance with this subsection (pp) by the
3 Department of State Police. The adoption of emergency rules
4 authorized by this subsection (pp) is deemed to be necessary
5 for the public interest, safety, and welfare.

6 (qq) In order to provide for the expeditious and timely
7 implementation of the provisions of the Illinois Works Jobs
8 Program Act, emergency rules may be adopted in accordance with
9 this subsection (qq) to implement the Illinois Works Jobs
10 Program Act. The adoption of emergency rules authorized by
11 this subsection (qq) is deemed to be necessary for the public
12 interest, safety, and welfare.

13 (rr) In order to provide for the expeditious and timely
14 implementation of the provisions of subsection (c) of Section
15 2-3.130 of the School Code, emergency rules to implement
16 subsection (c) of Section 2-3.130 of the School Code may be
17 adopted in accordance with this subsection (rr) by the State
18 Board of Education. The adoption of emergency rules authorized
19 by this subsection (rr) is deemed to be necessary for the
20 public interest, safety, and welfare.

21 (Source: P.A. 101-1, eff. 2-19-19; 101-10, Article 20, Section
22 20-5, eff. 6-5-19; 101-10, Article 35, Section 35-5, eff.
23 6-5-19; 101-27, eff. 6-25-19; 101-31, Article 15, Section
24 15-5, eff. 6-28-19; 101-31, Article 25, Section 25-900, eff.
25 6-28-19; 101-31, Article 35, Section 35-3, eff. 6-28-19;
26 101-377, eff. 8-16-19; 101-601, eff. 12-10-19; 102-98, eff.

1 7-15-21; 102-339, eff. 8-13-21; 102-813, eff. 5-13-22.)

2 (5 ILCS 100/5-50) (from Ch. 127, par. 1005-50)

3 Sec. 5-50. Peremptory rulemaking. "Peremptory rulemaking"
4 means any rulemaking that is required as a result of federal
5 law, federal rules and regulations, an order of a court, or a
6 collective bargaining agreement pursuant to subsection (d) of
7 Section 1-5, under conditions that preclude compliance with
8 the general rulemaking requirements imposed by Section 5-40
9 and that preclude the exercise of discretion by the agency as
10 to the content of the rule it is required to adopt. Peremptory
11 rulemaking shall not be used to implement consent orders or
12 other court orders adopting settlements negotiated by the
13 agency. If any agency finds that peremptory rulemaking is
14 necessary and states in writing its reasons for that finding,
15 the agency may adopt peremptory rulemaking upon filing a
16 notice of rulemaking with the Secretary of State under Section
17 5-70. The notice shall be published in the Illinois Register.
18 The agency shall accept data, views, arguments, or comments
19 regarding the peremptory rulemaking. The agency shall accept
20 submissions in writing, including submissions by email or by
21 other publicly accessible electronic means through its
22 website. In the discretion of the agency, submissions may be
23 submitted orally. The notice published in the Illinois
24 Register shall indicate the manner selected by the agency for
25 the submissions, including the email address or website

1 address where submissions will be accepted. The agency shall
2 consider all submissions received. A rule adopted under the
3 peremptory rulemaking provisions of this Section becomes
4 effective immediately upon filing with the Secretary of State
5 and in the agency's principal office, or at a date required or
6 authorized by the relevant federal law, federal rules and
7 regulations, or court order, as stated in the notice of
8 rulemaking. Notice of rulemaking under this Section shall be
9 published in the Illinois Register, shall specifically refer
10 to the appropriate State or federal court order or federal
11 law, rules, and regulations, and shall be in a form as the
12 Secretary of State may reasonably prescribe by rule. The
13 agency shall file the notice of peremptory rulemaking within
14 30 days after a change in rules is required.

15 The Department of Healthcare and Family Services may adopt
16 peremptory rulemaking under the terms and conditions of this
17 Section to implement final payments included in a State
18 Medicaid Plan Amendment approved by the Centers for Medicare
19 and Medicaid Services of the United States Department of
20 Health and Human Services and authorized under Section 5A-12.2
21 of the Illinois Public Aid Code, and to adjust hospital
22 provider assessments as Medicaid Provider-Specific Taxes
23 permitted by Title XIX of the federal Social Security Act and
24 authorized under Section 5A-2 of the Illinois Public Aid Code.
25 (Source: P.A. 95-859, eff. 8-19-08.)

1 (5 ILCS 100/5-60) (from Ch. 127, par. 1005-60)

2 Sec. 5-60. Regulatory agenda. An agency shall submit for
3 publication in the Illinois Register by January 1 and July 1 of
4 each year a regulatory agenda to elicit public comments
5 concerning any rule that the agency is considering proposing
6 but for which no notice of proposed rulemaking activity has
7 been submitted to the Illinois Register. A regulatory agenda
8 shall consist of summaries of those rules. Each summary shall,
9 in less than 2,000 words, contain the following when
10 practicable:

11 (1) A description of the rule.

12 (2) The statutory authority the agency is exercising.

13 (3) A schedule of the dates for any hearings,
14 meetings, or other opportunities for public participation
15 in the development of the rule.

16 (4) The date the agency anticipates submitting a
17 notice of proposed rulemaking activity, if known.

18 (5) The name, address, email address, and telephone
19 number of the agency representative who is knowledgeable
20 about the rule, from whom any information may be obtained,
21 and to whom written comments may be submitted concerning
22 the rule.

23 (6) A statement whether the rule will affect small
24 businesses, not for profit corporations, or small
25 municipalities as defined in this Act.

26 (7) Any other information that may serve the public

1 interest.

2 Nothing in this Section shall preclude an agency from
3 adopting a rule that has not been summarized in a regulatory
4 agenda or from adopting a rule different than one summarized
5 in a regulatory agenda if in the agency head's best judgment it
6 is necessary. If an agency finds that a situation exists that
7 requires adoption of a rule that was not summarized on either
8 of the 2 most recent regulatory agendas, it shall state its
9 reasons in writing together with the facts that form their
10 basis upon filing the notice of proposed rulemaking with the
11 Secretary of State under Section 5-40. Nothing in this Section
12 shall require an agency to adopt a rule summarized in a
13 regulatory agenda. The Secretary of State shall adopt rules
14 necessary for the publication of a regulatory agenda,
15 including but not limited to standard submission forms and
16 deadlines.

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

18 (5 ILCS 100/5-65) (from Ch. 127, par. 1005-65)

19 Sec. 5-65. Filing of rules.

20 (a) Each agency shall file in the office of the Secretary
21 of State and in the agency's principal office a certified copy
22 of each rule and modification or repeal of any rule adopted by
23 it. The Secretary of State and the agency shall each keep a
24 permanent register of the rules open to public inspection.

25 Whenever a rule or modification or repeal of any rule is

1 filed with the Secretary of State, the Secretary shall send a
2 certified copy of the rule, modification or repeal, within 3
3 working days after it is filed, to the Joint Committee on
4 Administrative Rules.

5 (b) Concurrent with the filing of any rule under this
6 Section, the filing agency shall submit to the Secretary of
7 State for publication in the next available issue of the
8 Illinois Register a notice of adopted rules. The notice shall
9 include the following:

10 (1) The text of the adopted rule, including the full
11 text of the new rule (if the material is a new rule), the
12 full text of the rule or rules as amended (if the material
13 is an amendment to a rule or rules), or the notice of
14 repeal (if the material is a repealer).

15 (2) The name, address, email address, and telephone
16 number of an individual who will be available to answer
17 questions and provide information to the public concerning
18 the adopted rules.

19 (3) Other information that the Secretary of State may
20 by rule require in the interest of informing the public.

21 (Source: P.A. 87-823; 87-830; 87-895.)

22 Section 10. The Uniform Electronic Transactions Act is
23 amended by changing Section 18 as follows:

24 (815 ILCS 333/18)

1 Sec. 18. Acceptance and distribution of electronic records
2 by governmental agencies.

3 (a) Except as otherwise provided in Section 12(f), each
4 governmental agency of this State shall determine whether, and
5 the extent to which, it will send and accept electronic
6 records and electronic signatures to and from other persons
7 and otherwise create, generate, communicate, store, process,
8 use, and rely upon electronic records and electronic
9 signatures.

10 (b) To the extent that a governmental agency uses
11 electronic records and electronic signatures under subsection
12 (a), the Department of Innovation and Technology and the
13 Secretary of State, pursuant to their rulemaking authority
14 under other law and giving due consideration to security,
15 shall, no later than 6 months after the effective date of this
16 amendatory Act of the 103rd General Assembly, adopt
17 administrative rules that may specify:

18 (1) the manner and format in which the electronic
19 records must be created, generated, sent, communicated,
20 received, and stored and the systems established for those
21 purposes;

22 (2) if electronic records must be signed by electronic
23 means, the type of electronic signature required, the
24 manner and format in which the electronic signature must
25 be affixed to the electronic record, and the identity of,
26 or criteria that must be met by, any third party used by a

1 person filing a document to facilitate the process;

2 (3) control processes and procedures as appropriate to
3 ensure adequate preservation, disposition, integrity,
4 security, confidentiality, and auditability of electronic
5 records; and

6 (4) any other required attributes for electronic
7 records which are specified for corresponding
8 nonelectronic records or reasonably necessary under the
9 circumstances.

10 (c) Except as otherwise provided in Section 12(f), this
11 Act does not require a governmental agency of this State to use
12 or permit the use of electronic records or electronic
13 signatures.

14 (Source: P.A. 102-38, eff. 6-25-21.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.