



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4090

Introduced 1/16/2020, by Rep. Allen Skillicorn

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 100/5-45

from Ch. 127, par. 1005-45

305 ILCS 5/5A-10

from Ch. 23, par. 5A-10

30 ILCS 805/8.44 new

Creates the Unbalanced Budget Response Act. Provides authority and procedures for the Governor to establish contingency reserves of previously appropriated funds, and to transfer balances between special funds in the State treasury and the General Revenue Fund. Describes the agencies and programs subject to this authority. Provides that designated agencies may adopt emergency rules to carry out the purposes of the Act. Defines terms. Provides that the Act is repealed on July 1, 2022. Amends the Illinois Administrative Procedure Act to make conforming changes. Amends the Illinois Public Aid Code. Adds actions taken under the Unbalanced Budget Response Act to a Section relating to applicability. Amends the State Mandates Act to require implementation without reimbursement by the State. Effective immediately.

LRB101 16448 RJF 65827 b

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Unbalanced Budget Response Act.

6 Section 5. Legislative intent. The State is currently
7 confronted with an unprecedented fiscal crisis. Although the
8 Constitution of the State of Illinois requires that spending
9 not exceed available revenues, the State is currently spending
10 in excess of estimated revenues, which is significantly
11 increasing the backlog of unpaid bills. Without substantial
12 corrective action taken by the General Assembly, the budget
13 will also be unbalanced. This Act is to be liberally construed
14 and interpreted in a manner that allows the State to address
15 the fiscal crisis.

16 Section 10. Definitions. As used in this Act, "agency"
17 includes all officers, boards, commissions, departments, and
18 agencies of the executive branch of the State government
19 created by the Constitution, statute, or Executive Order,
20 including, but not limited to, public institutions of higher
21 education (as defined in the Board of Higher Education Act).

1 Section 15. Designation of contingency reserves. For the
2 purposes of balancing the State's budget, the Governor may
3 designate, by written notice to the Comptroller, a contingency
4 reserve from the amounts appropriated from funds held by the
5 Treasurer for the State's fiscal years 2021 and 2022 to any
6 agency, including without limitation amounts appropriated
7 pursuant to a statutory continuing appropriation; provided,
8 however, that the Governor may not designate amounts to be set
9 aside as a contingency reserve from amounts that have been
10 appropriated for (i) payment of debt service, (ii) to the State
11 Board of Education for evidence-based model formula funds to
12 the common schools pursuant to Section 18-8.15 of the School
13 Code, or (iii) to the State Board of Education for grants or
14 aid for early childhood education.

15 Section 20. Fund transfers. Notwithstanding any other
16 provision of law, for the State's fiscal years 2021 and 2022:

17 (a) at the direction of and upon notification from the
18 Governor, the Comptroller shall direct and the Treasurer shall
19 transfer an amount specified by the Governor from any fund held
20 by the Treasurer to any general fund held by the Treasurer;
21 provided, however, that no transfer may be made out of: (i) any
22 federal trust fund; (ii) any amount set aside for payment of
23 debt service; (iii) amounts held in investments or cash by the
24 State retirement systems governed by Articles 2, 14, 15, 16, or
25 18 of the Illinois Pension Code; or (iv) the Road Fund; and

1 (b) the Governor, by written notice to the Comptroller, may
2 modify statutory transfers out of any fund held by the
3 Treasurer, and the Comptroller and the Treasurer shall give
4 effect to any such modification; provided, however, that no
5 modification may be made to statutory transfers out of a
6 general fund (i) for payment of debt service, or (ii) to the
7 Road Fund.

8 No transfer made pursuant to this Section may reduce the
9 cumulative balance of all of the funds held by the Treasurer to
10 an amount less than the total debt service payable during the
11 12 months immediately following the date of the transfer on any
12 bonded indebtedness of the State and any certificates issued
13 under the Short Term Borrowing Act. If the Director of the
14 Governor's Office of Management and Budget determines that any
15 transfer to the general funds from any of the funds from which
16 moneys have been transferred under this Section either (i)
17 jeopardizes federal funding based on a written communication
18 from a federal official or (ii) violates an order of a court of
19 competent jurisdiction, then the Director may order the
20 Treasurer and Comptroller, in writing, to transfer from the
21 General Revenue Fund to that fund all or part of the amounts
22 transferred from that fund under this Section.

23 Section 25. Payment rate modifications. Notwithstanding
24 any other provision of law, for the State's fiscal years 2021
25 and 2022, the Governor may modify any rate for payments made by

1 an agency to providers of services.

2 Section 30. Limitations; notice.

3 (a) The sum of contingency reserves designated pursuant to
4 Section 15, transfers made pursuant to subsection (a) of
5 Section 20, modifications to transfers pursuant to subsection
6 (b) of Section 20, savings to be realized by the State due to
7 payment rate modifications pursuant to Section 25, and the
8 value of payments delayed pursuant to Section 35 shall not
9 exceed for each fiscal year the amount by which total State
10 spending for that fiscal year is estimated to exceed available
11 revenues for that fiscal year, as determined by the Governor's
12 Office of Management and Budget.

13 (b) The Governor shall provide notice of each contingency
14 reserve designated pursuant to Section 15, transfer made
15 pursuant to subsection (a) of Section 20, modification to
16 transfers pursuant to subsection (b) of Section 20, payment
17 rate modification pursuant to Section 25, and direction to
18 delay payments pursuant to Section 35 within 10 business days
19 after the action is taken to the Clerk of the House of
20 Representatives, the Secretary of the Senate, the Commission on
21 Government Forecasting and Accountability, the Comptroller,
22 and the Treasurer. A copy of such notices, or a cumulative
23 summary of the actions taken, shall be posted on a public
24 website maintained by the Governor's Office of Management and
25 Budget.

1 Section 35. Delay in payments under continuing
2 appropriations. Notwithstanding any other law, payments under
3 any statutory continuing appropriation for the State's fiscal
4 years 2021 and 2022 may be delayed upon written direction of
5 the Governor to the Comptroller, provided however that the
6 Governor may not direct any delay in the payment of debt
7 service. Notwithstanding any provision of the State Finance Act
8 or other law to the contrary, any payment delayed under this
9 Section may be paid out of the next fiscal year's
10 appropriation.

11 Section 40. Emergency rules. Notwithstanding any other
12 provision of law, the Department on Aging, the Department of
13 Children and Family Services, the Department of Healthcare and
14 Family Services, the Department of Human Services, and the
15 Department of Public Health may each adopt emergency rules
16 pursuant to subsection (rr) of Section 5-45 of the Illinois
17 Administrative Procedure Act to limit, reduce, or adjust
18 services, payment rates, expenditures, transfers of funds, and
19 eligibility criteria, to the extent permitted by federal law,
20 as necessary to implement (i) the State's fiscal years 2021 and
21 2022 budgets, (ii) any contingency reserves designated by the
22 Governor pursuant to Section 15, (iii) any transfer of balances
23 or modification of statutory transfers pursuant to Section 20
24 affecting State funds designated for use by the agency, or (iv)

1 modifications made by the Governor pursuant to Section 25. The
2 effectiveness of any such emergency rule, and any such
3 adjustment, reduction, or limitation made pursuant thereto,
4 shall expire on July 1, 2022. Nothing in this Section shall
5 require rulemaking if the limitation, reduction, or adjustment
6 would otherwise be within the authority of the agency without
7 rulemaking.

8 Section 45. Repeal. This Act is repealed on July 1, 2022.

9 Section 105. The Illinois Administrative Procedure Act is
10 amended by changing Section 5-45 as follows:

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

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

10 (c) An emergency rule may be effective for a period of not
11 longer than 150 days, but the agency's authority to adopt an
12 identical rule under Section 5-40 is not precluded. No
13 emergency rule may be adopted more than once in any 24-month
14 period, except that this limitation on the number of emergency
15 rules that may be adopted in a 24-month period does not apply
16 to (i) emergency rules that make additions to and deletions
17 from the Drug Manual under Section 5-5.16 of the Illinois
18 Public Aid Code or the generic drug formulary under Section
19 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
20 emergency rules adopted by the Pollution Control Board before
21 July 1, 1997 to implement portions of the Livestock Management
22 Facilities Act, (iii) emergency rules adopted by the Illinois
23 Department of Public Health under subsections (a) through (i)
24 of Section 2 of the Department of Public Health Act when
25 necessary to protect the public's health, (iv) emergency rules
26 adopted pursuant to subsection (n) of this Section, (v)

1 emergency rules adopted pursuant to subsection (o) of this
2 Section, or ~~(vi)~~ emergency rules adopted pursuant to subsection
3 (c-5) of this Section, or (vii) emergency rules adopted
4 pursuant to subsection (rr) of this Section. Two or more
5 emergency rules having substantially the same purpose and
6 effect shall be deemed to be a single rule for purposes of this
7 Section.

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

17 (d) In order to provide for the expeditious and timely
18 implementation of the State's fiscal year 1999 budget,
19 emergency rules to implement any provision of Public Act 90-587
20 or 90-588 or any other budget initiative for fiscal year 1999
21 may be adopted in accordance with this Section by the agency
22 charged with administering that provision or initiative,
23 except that the 24-month limitation on the adoption of
24 emergency rules and the provisions of Sections 5-115 and 5-125
25 do not apply to rules adopted under this subsection (d). The
26 adoption of emergency rules authorized by this subsection (d)

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

3 (e) In order to provide for the expeditious and timely
4 implementation of the State's fiscal year 2000 budget,
5 emergency rules to implement any provision of Public Act 91-24
6 or any other budget initiative for fiscal year 2000 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 (e). The adoption of
12 emergency rules authorized by this subsection (e) shall be
13 deemed to be necessary for the public interest, safety, and
14 welfare.

15 (f) In order to provide for the expeditious and timely
16 implementation of the State's fiscal year 2001 budget,
17 emergency rules to implement any provision of Public Act 91-712
18 or any other budget initiative for fiscal year 2001 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 (f). The adoption of
24 emergency rules authorized by this subsection (f) shall be
25 deemed to be necessary for the public interest, safety, and
26 welfare.

1 (g) In order to provide for the expeditious and timely
2 implementation of the State's fiscal year 2002 budget,
3 emergency rules to implement any provision of Public Act 92-10
4 or any other budget initiative for fiscal year 2002 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 (g). The adoption of
10 emergency rules authorized by this subsection (g) shall be
11 deemed to be necessary for the public interest, safety, and
12 welfare.

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

25 (i) In order to provide for the expeditious and timely
26 implementation of the State's fiscal year 2004 budget,

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

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

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

20 (l) In order to provide for the expeditious and timely
21 implementation of the provisions of the State's fiscal year
22 2007 budget, the Department of Healthcare and Family Services
23 may adopt emergency rules during fiscal year 2007, including
24 rules effective July 1, 2007, in accordance with this
25 subsection to the extent necessary to administer the
26 Department's responsibilities with respect to amendments to

1 the State plans and Illinois waivers approved by the federal
2 Centers for Medicare and Medicaid Services necessitated by the
3 requirements of Title XIX and Title XXI of the federal Social
4 Security Act. The adoption of emergency rules authorized by
5 this subsection (l) shall be deemed to be necessary for the
6 public interest, safety, and welfare.

7 (m) In order to provide for the expeditious and timely
8 implementation of the provisions of the State's fiscal year
9 2008 budget, the Department of Healthcare and Family Services
10 may adopt emergency rules during fiscal year 2008, including
11 rules effective July 1, 2008, in accordance with this
12 subsection to the extent necessary to administer the
13 Department's responsibilities with respect to amendments to
14 the State plans and Illinois waivers approved by the federal
15 Centers for Medicare and Medicaid Services necessitated by the
16 requirements of Title XIX and Title XXI of the federal Social
17 Security Act. The adoption of emergency rules authorized by
18 this subsection (m) shall be deemed to be necessary for the
19 public interest, safety, and welfare.

20 (n) In order to provide for the expeditious and timely
21 implementation of the provisions of the State's fiscal year
22 2010 budget, emergency rules to implement any provision of
23 Public Act 96-45 or any other budget initiative authorized by
24 the 96th General Assembly for fiscal year 2010 may be adopted
25 in accordance with this Section by the agency charged with
26 administering that provision or initiative. The adoption of

1 emergency rules authorized by this subsection (n) shall be
2 deemed to be necessary for the public interest, safety, and
3 welfare. The rulemaking authority granted in this subsection
4 (n) shall apply only to rules promulgated during Fiscal Year
5 2010.

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

18 (p) In order to provide for the expeditious and timely
19 implementation of the provisions of Public Act 97-689,
20 emergency rules to implement any provision of Public Act 97-689
21 may be adopted in accordance with this subsection (p) by the
22 agency charged with administering that provision or
23 initiative. The 150-day limitation of the effective period of
24 emergency rules does not apply to rules adopted under this
25 subsection (p), and the effective period may continue through
26 June 30, 2013. The 24-month limitation on the adoption of

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

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

16 (r) In order to provide for the expeditious and timely
17 implementation of the provisions of Public Act 98-651,
18 emergency rules to implement Public Act 98-651 may be adopted
19 in accordance with this subsection (r) 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 (r). The adoption of emergency rules
23 authorized by this subsection (r) is deemed to be necessary for
24 the public interest, safety, and welfare.

25 (s) In order to provide for the expeditious and timely
26 implementation of the provisions of Sections 5-5b.1 and 5A-2 of

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

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

24 (u) In order to provide for the expeditious and timely
25 implementation of the provisions of the Burn Victims Relief
26 Act, emergency rules to implement any provision of the Act may

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

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

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

23 (x) In order to provide for the expeditious and timely
24 implementation of the provisions of Public Act 99-906,
25 emergency rules to implement subsection (i) of Section 16-115D,
26 subsection (g) of Section 16-128A, and subsection (a) of

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

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

21 (z) In order to provide for the expeditious and timely
22 implementation of the provisions of Public Act 100-554,
23 emergency rules to implement the changes made by Public Act
24 100-554 to Section 4.7 of the Lobbyist Registration Act may be
25 adopted in accordance with this subsection (z) by the Secretary
26 of State. The adoption of emergency rules authorized by this

1 subsection (z) is deemed to be necessary for the public
2 interest, safety, and welfare.

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

15 (bb) In order to provide for the expeditious and timely
16 implementation of the provisions of Public Act 100-587,
17 emergency rules to implement the changes made by Public Act
18 100-587 to Section 4.02 of the Illinois Act on the Aging,
19 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
20 subsection (b) of Section 55-30 of the Alcoholism and Other
21 Drug Abuse and Dependency Act, Section 5-104 of the Specialized
22 Mental Health Rehabilitation Act of 2013, and Section 75 and
23 subsection (b) of Section 74 of the Mental Health and
24 Developmental Disabilities Administrative Act may be adopted
25 in accordance with this subsection (bb) by the respective
26 Department. The adoption of emergency rules authorized by this

1 subsection (bb) is deemed to be necessary for the public
2 interest, safety, and welfare.

3 (cc) In order to provide for the expeditious and timely
4 implementation of the provisions of Public Act 100-587,
5 emergency rules may be adopted in accordance with this
6 subsection (cc) to implement the changes made by Public Act
7 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois
8 Pension Code by the Board created under Article 14 of the Code;
9 Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by
10 the Board created under Article 15 of the Code; and Sections
11 16-190.5 and 16-190.6 of the Illinois Pension Code by the Board
12 created under Article 16 of the Code. The adoption of emergency
13 rules authorized by this subsection (cc) is deemed to be
14 necessary for the public interest, safety, and welfare.

15 (dd) In order to provide for the expeditious and timely
16 implementation of the provisions of Public Act 100-864,
17 emergency rules to implement the changes made by Public Act
18 100-864 to Section 3.35 of the Newborn Metabolic Screening Act
19 may be adopted in accordance with this subsection (dd) by the
20 Secretary of State. The adoption of emergency rules authorized
21 by this subsection (dd) is deemed to be necessary for the
22 public interest, safety, and welfare.

23 (ee) In order to provide for the expeditious and timely
24 implementation of the provisions of Public Act 100-1172,
25 emergency rules implementing the Illinois Underground Natural
26 Gas Storage Safety Act may be adopted in accordance with this

1 subsection by the Department of Natural Resources. The adoption
2 of emergency rules authorized by this subsection is deemed to
3 be necessary for the public interest, safety, and welfare.

4 (ff) In order to provide for the expeditious and timely
5 initial implementation of the changes made to Articles 5A and
6 14 of the Illinois Public Aid Code under the provisions of
7 Public Act 100-1181, the Department of Healthcare and Family
8 Services may on a one-time-only basis adopt emergency rules in
9 accordance with this subsection (ff). The 24-month limitation
10 on the adoption of emergency rules does not apply to rules to
11 initially implement the changes made to Articles 5A and 14 of
12 the Illinois Public Aid Code adopted under this subsection
13 (ff). The adoption of emergency rules authorized by this
14 subsection (ff) is deemed to be necessary for the public
15 interest, safety, and welfare.

16 (gg) In order to provide for the expeditious and timely
17 implementation of the provisions of Public Act 101-1, emergency
18 rules may be adopted by the Department of Labor in accordance
19 with this subsection (gg) to implement the changes made by
20 Public Act 101-1 to the Minimum Wage Law. The adoption of
21 emergency rules authorized by this subsection (gg) is deemed to
22 be necessary for the public interest, safety, and welfare.

23 (hh) In order to provide for the expeditious and timely
24 implementation of the provisions of Public Act 101-10,
25 emergency rules may be adopted in accordance with this
26 subsection (hh) to implement the changes made by Public Act

1 101-10 to subsection (j) of Section 5-5.2 of the Illinois
2 Public Aid Code. The adoption of emergency rules authorized by
3 this subsection (hh) is deemed to be necessary for the public
4 interest, safety, and welfare.

5 (ii) In order to provide for the expeditious and timely
6 implementation of the provisions of Public Act 101-10,
7 emergency rules to implement the changes made by Public Act
8 101-10 to Sections 5-5.4 and 5-5.4i of the Illinois Public Aid
9 Code may be adopted in accordance with this subsection (ii) by
10 the Department of Public Health. The adoption of emergency
11 rules authorized by this subsection (ii) is deemed to be
12 necessary for the public interest, safety, and welfare.

13 (jj) In order to provide for the expeditious and timely
14 implementation of the provisions of Public Act 101-10,
15 emergency rules to implement the changes made by Public Act
16 101-10 to Section 74 of the Mental Health and Developmental
17 Disabilities Administrative Act may be adopted in accordance
18 with this subsection (jj) by the Department of Human Services.
19 The adoption of emergency rules authorized by this subsection
20 (jj) is deemed to be necessary for the public interest, safety,
21 and welfare.

22 (kk) In order to provide for the expeditious and timely
23 implementation of the Cannabis Regulation and Tax Act and
24 Public Act 101-27, the Department of Revenue, the Department of
25 Public Health, the Department of Agriculture, the Department of
26 State Police, and the Department of Financial and Professional

1 Regulation may adopt emergency rules in accordance with this
2 subsection (kk). The rulemaking authority granted in this
3 subsection (kk) shall apply only to rules adopted before
4 December 31, 2021. Notwithstanding the provisions of
5 subsection (c), emergency rules adopted under this subsection
6 (kk) shall be effective for 180 days. The adoption of emergency
7 rules authorized by this subsection (kk) is deemed to be
8 necessary for the public interest, safety, and welfare.

9 (ll) In order to provide for the expeditious and timely
10 implementation of the provisions of the Leveling the Playing
11 Field for Illinois Retail Act, emergency rules may be adopted
12 in accordance with this subsection (ll) to implement the
13 changes made by the Leveling the Playing Field for Illinois
14 Retail Act. The adoption of emergency rules authorized by this
15 subsection (ll) is deemed to be necessary for the public
16 interest, safety, and welfare.

17 (mm) In order to provide for the expeditious and timely
18 implementation of the provisions of Section 25-70 of the Sports
19 Wagering Act, emergency rules to implement Section 25-70 of the
20 Sports Wagering Act may be adopted in accordance with this
21 subsection (mm) by the Department of the Lottery as provided in
22 the Sports Wagering Act. The adoption of emergency rules
23 authorized by this subsection (mm) is deemed to be necessary
24 for the public interest, safety, and welfare.

25 (nn) In order to provide for the expeditious and timely
26 implementation of the Sports Wagering Act, emergency rules to

1 implement the Sports Wagering Act may be adopted in accordance
2 with this subsection (nn) by the Illinois Gaming Board. The
3 adoption of emergency rules authorized by this subsection (nn)
4 is deemed to be necessary for the public interest, safety, and
5 welfare.

6 (oo) In order to provide for the expeditious and timely
7 implementation of the provisions of subsection (c) of Section
8 20 of the Video Gaming Act, emergency rules to implement the
9 provisions of subsection (c) of Section 20 of the Video Gaming
10 Act may be adopted in accordance with this subsection (oo) by
11 the Illinois Gaming Board. The adoption of emergency rules
12 authorized by this subsection (oo) is deemed to be necessary
13 for the public interest, safety, and welfare.

14 (pp) In order to provide for the expeditious and timely
15 implementation of the provisions of Section 50 of the Sexual
16 Assault Evidence Submission Act, emergency rules to implement
17 Section 50 of the Sexual Assault Evidence Submission Act may be
18 adopted in accordance with this subsection (pp) by the
19 Department of State Police. The adoption of emergency rules
20 authorized by this subsection (pp) is deemed to be necessary
21 for the public interest, safety, and welfare.

22 (qq) In order to provide for the expeditious and timely
23 implementation of the provisions of the Illinois Works Jobs
24 Program Act, emergency rules may be adopted in accordance with
25 this subsection (qq) to implement the Illinois Works Jobs
26 Program Act. The adoption of emergency rules authorized by this

1 subsection (qq) is deemed to be necessary for the public
2 interest, safety, and welfare.

3 (rr) In order to provide for the expeditious and timely
4 implementation of the provisions of the State's budget for
5 fiscal years 2021 and 2022, emergency rules to implement any
6 provision of this amendatory Act of the 101st General Assembly
7 may be adopted in accordance with this Section by each agency
8 identified in Section 40 of the Unbalanced Budget Response Act.
9 The adoption of emergency rules authorized by this subsection
10 (rr) shall be deemed to be necessary for the public interest,
11 safety, and welfare. The rulemaking authority granted in this
12 subsection (rr) shall apply only to rules adopted prior to July
13 1, 2022. Notwithstanding any other provision of this Section,
14 any emergency rule adopted pursuant to this subsection (rr)
15 shall expire on July 1, 2022.

16 (Source: P.A. 100-23, eff. 7-6-17; 100-554, eff. 11-16-17;
17 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff.
18 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18;
19 100-864, eff. 8-14-18; 100-1172, eff. 1-4-19; 100-1181, eff.
20 3-8-19; 101-1, eff. 2-19-19; 101-10, Article 20, Section 20-5,
21 eff. 6-5-19; 101-10, Article 35, Section 35-5, eff. 6-5-19;
22 101-27, eff. 6-25-19; 101-31, Article 15, Section 15-5, eff.
23 6-28-19; 101-31, Article 25, Section 25-900, eff. 6-28-19;
24 101-31, Article 35, Section 35-3, eff. 6-28-19; 101-377, eff.
25 8-16-19; 101-601, eff. 12-10-19.)

1 Section 110. The Illinois Public Aid Code is amended by
2 changing Section 5A-10 as follows:

3 (305 ILCS 5/5A-10) (from Ch. 23, par. 5A-10)

4 Sec. 5A-10. Applicability.

5 (a) The assessment imposed by subsection (a) of Section
6 5A-2 shall cease to be imposed and the Department's obligation
7 to make payments shall immediately cease, and any moneys
8 remaining in the Fund shall be refunded to hospital providers
9 in proportion to the amounts paid by them, if:

10 (1) The payments to hospitals required under this
11 Article are not eligible for federal matching funds under
12 Title XIX or XXI of the Social Security Act;

13 (2) For State fiscal years 2009 through 2018, and as
14 provided in Section 5A-16, the Department of Healthcare and
15 Family Services adopts any administrative rule change to
16 reduce payment rates or alters any payment methodology that
17 reduces any payment rates made to operating hospitals under
18 the approved Title XIX or Title XXI State plan in effect
19 January 1, 2008 except for:

20 (A) any changes for hospitals described in
21 subsection (b) of Section 5A-3;

22 (B) any rates for payments made under this Article
23 V-A;

24 (C) any changes proposed in State plan amendment
25 transmittal numbers 08-01, 08-02, 08-04, 08-06, and

1 08-07;

2 (D) in relation to any admissions on or after
3 January 1, 2011, a modification in the methodology for
4 calculating outlier payments to hospitals for
5 exceptionally costly stays, for hospitals reimbursed
6 under the diagnosis-related grouping methodology in
7 effect on July 1, 2011; provided that the Department
8 shall be limited to one such modification during the
9 36-month period after the effective date of this
10 amendatory Act of the 96th General Assembly;

11 (E) any changes affecting hospitals authorized by
12 Public Act 97-689;

13 (F) any changes authorized by Section 14-12 of this
14 Code, or for any changes authorized under Section 5A-15
15 of this Code; ~~or~~

16 (G) any changes authorized under Section 5-5b.1;
17 or.

18 (H) any changes authorized under the Unbalanced
19 Budget Response Act.

20 (b) The assessment imposed by Section 5A-2 shall not take
21 effect or shall cease to be imposed, and the Department's
22 obligation to make payments shall immediately cease, if the
23 assessment is determined to be an impermissible tax under Title
24 XIX of the Social Security Act. Moneys in the Hospital Provider
25 Fund derived from assessments imposed prior thereto shall be
26 disbursed in accordance with Section 5A-8 to the extent federal

1 financial participation is not reduced due to the
2 impermissibility of the assessments, and any remaining moneys
3 shall be refunded to hospital providers in proportion to the
4 amounts paid by them.

5 (c) The assessments imposed by subsection (b-5) of Section
6 5A-2 shall not take effect or shall cease to be imposed, the
7 Department's obligation to make payments shall immediately
8 cease, and any moneys remaining in the Fund shall be refunded
9 to hospital providers in proportion to the amounts paid by
10 them, if the payments to hospitals required under Section
11 5A-12.4 or Section 5A-12.6 are not eligible for federal
12 matching funds under Title XIX of the Social Security Act.

13 (d) The assessments imposed by Section 5A-2 shall not take
14 effect or shall cease to be imposed, the Department's
15 obligation to make payments shall immediately cease, and any
16 moneys remaining in the Fund shall be refunded to hospital
17 providers in proportion to the amounts paid by them, if:

18 (1) for State fiscal years 2013 through 2018, and as
19 provided in Section 5A-16, the Department reduces any
20 payment rates to hospitals as in effect on May 1, 2012, or
21 alters any payment methodology as in effect on May 1, 2012,
22 that has the effect of reducing payment rates to hospitals,
23 except for any changes affecting hospitals authorized in
24 Public Act 97-689 and any changes authorized by Section
25 14-12 of this Code, ~~and~~ except for any changes authorized
26 under Section 5A-15, ~~and~~ except for any changes authorized

1 under Section 5-5b.1, and except for any changes authorized
2 under the Unbalanced Budget Response Act;

3 (2) for State fiscal years 2013 through 2018, and as
4 provided in Section 5A-16, the Department reduces any
5 supplemental payments made to hospitals below the amounts
6 paid for services provided in State fiscal year 2011 as
7 implemented by administrative rules adopted and in effect
8 on or prior to June 30, 2011, except for any changes
9 affecting hospitals authorized in Public Act 97-689 and any
10 changes authorized by Section 14-12 of this Code, ~~and~~
11 except for any changes authorized under Section 5A-15, ~~and~~
12 except for any changes authorized under Section 5-5b.1, and
13 except for any changes authorized under the Unbalanced
14 Budget Response Act; or

15 (3) for State fiscal years 2015 through 2018, and as
16 provided in Section 5A-16, the Department reduces the
17 overall effective rate of reimbursement to hospitals below
18 the level authorized under Section 14-12 of this Code,
19 except for any changes under Section 14-12 or Section 5A-15
20 of this Code, ~~and~~ except for any changes authorized under
21 Section 5-5b.1, and except for any changes authorized under
22 the Unbalanced Budget Response Act.

23 (e) Beginning in State fiscal year 2019, the assessments
24 imposed under Section 5A-2 shall not take effect or shall cease
25 to be imposed, the Department's obligation to make payments
26 shall immediately cease, and any moneys remaining in the Fund

1 shall be refunded to hospital providers in proportion to the
2 amounts paid by them, if:

3 (1) the payments to hospitals required under Section
4 5A-12.6 are not eligible for federal matching funds under
5 Title XIX of the Social Security Act; or

6 (2) the Department reduces the overall effective rate
7 of reimbursement to hospitals below the level authorized
8 under Section 14-12 of this Code, as in effect on December
9 31, 2017, except for any changes authorized under Sections
10 14-12 or Section 5A-15 of this Code, and except for any
11 changes authorized under changes to Sections 5A-12.2,
12 5A-12.4, 5A-12.5, 5A-12.6, and 14-12 made by this
13 amendatory Act of the 100th General Assembly.

14 (Source: P.A. 99-2, eff. 3-26-15; 100-581, eff. 3-12-18.)

15 Section 115. The State Mandates Act is amended by adding
16 Section 8.44 as follows:

17 (30 ILCS 805/8.44 new)

18 Sec. 8.44. Exempt mandate. Notwithstanding Sections 6 and 8
19 of this Act, no reimbursement by the State is required for the
20 implementation of any mandate created by this amendatory Act of
21 the 101st General Assembly.

22 Section 999. Effective date. This Act takes effect upon
23 becoming law.