



Rep. Lou Lang

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LRB095 18169 DRJ 51036 a

1 AMENDMENT TO SENATE BILL 2505

2 AMENDMENT NO. _____. Amend Senate Bill 2505, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Children and Family Services Act is amended
6 by adding Section 5.35 as follows:

7 (20 ILCS 505/5.35 new)

8 Sec. 5.35. Residential services; rates.

9 (a) In this Section, "residential services" means child
10 care institution care, group home care, independent living
11 services, and transitional living services that are licensed
12 and purchased by the Department on behalf of children under the
13 age of 22 years who are served by the Department and who need
14 24-hour residential care due to emotional and behavior problems
15 and that are services for which the Department has rate-setting
16 authority.

1 For the purposes of this Section, "residential services"
2 does not include (i) residential alcohol and other drug abuse
3 treatment services or (ii) programs serving children primarily
4 referred because of a developmental disability or mental health
5 needs.

6 (b) The Department shall work with representatives of
7 residential services providers with which the Department
8 contracts for residential services and with representatives of
9 other State agencies that purchase comparable residential
10 services from agencies for which the Department has
11 rate-setting authority to develop a performance-based model
12 for these residential services. Other State agencies shall
13 include, but not be limited to, the Department of Human
14 Services, the Department of Juvenile Justice, and the Illinois
15 State Board of Education. The rate paid by the other State
16 agencies for comparable residential services shall not be less
17 than the performance-based rates set by the Department.

18 (c) The performance-based model to be developed shall
19 include required program components and a rate-setting
20 methodology that incorporates the reasonable costs of the
21 required program components, subject to the provisions and
22 limitations prescribed in 89 Illinois Administrative Code,
23 Chapter III, Subchapter c, Part 356, Rate-setting.

24 (d) Subject to appropriation of required funding, the
25 Department shall purchase performance-based residential
26 services beginning July, 1, 2009.

1 (e) Notwithstanding any other rulemaking authority that
2 may exist, neither the Governor nor any agency or agency head
3 under the jurisdiction of the Governor has any authority to
4 make or promulgate rules to implement or enforce the provisions
5 of this amendatory Act of the 95th General Assembly. If,
6 however, the Governor believes that rules are necessary to
7 implement or enforce the provisions of this amendatory Act of
8 the 95th General Assembly, the Governor may suggest rules to
9 the General Assembly by filing them with the Clerk of the House
10 and Secretary of the Senate and by requesting that the General
11 Assembly authorize such rulemaking by law, enact those
12 suggested rules into law, or take any other appropriate action
13 in the General Assembly's discretion. Nothing contained in this
14 amendatory Act of the 95th General Assembly shall be
15 interpreted to grant rulemaking authority under any other
16 Illinois statute where such authority is not otherwise
17 explicitly given. For the purposes of this amendatory Act of
18 the 95th General Assembly, "rules" is given the meaning
19 contained in Section 1-70 of the Illinois Administrative
20 Procedure Act, and "agency" and "agency head" are given the
21 meanings contained in Sections 1-20 and 1-25 of the Illinois
22 Administrative Procedure Act to the extent that such
23 definitions apply to agencies or agency heads under the
24 jurisdiction of the Governor.

25 Section 99. Effective date. This Act takes effect July 1,

1 2008.".