



Rep. Michael J. Madigan

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LRB099 04451 KTG 33341 a

1 AMENDMENT TO HOUSE BILL 318

2 AMENDMENT NO. _____. Amend House Bill 318 by replacing
3 everything after the enacting clause with the following:

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

6 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

7 Sec. 5-45. Emergency rulemaking.

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

11 (b) If any agency finds that an emergency exists that
12 requires adoption of a rule upon fewer days than is required by
13 Section 5-40 and states in writing its reasons for that
14 finding, the agency may adopt an emergency rule without prior
15 notice or hearing upon filing a notice of emergency rulemaking
16 with the Secretary of State under Section 5-70. The notice

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

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

1 necessary to protect the public's health, (iv) emergency rules
2 adopted pursuant to subsection (n) of this Section, (v)
3 emergency rules adopted pursuant to subsection (o) of this
4 Section, or (vi) emergency rules adopted pursuant to subsection
5 (c-5) of this Section. Two or more emergency rules having
6 substantially the same purpose and effect shall be deemed to be
7 a single rule for purposes of this 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 this amendatory
6 Act of the 91st General Assembly or any other budget initiative
7 for fiscal year 2000 may be adopted in accordance with this
8 Section by the agency charged with administering that provision
9 or initiative, except that the 24-month limitation on the
10 adoption of emergency rules and the provisions of Sections
11 5-115 and 5-125 do not apply to rules adopted under this
12 subsection (e). The adoption of emergency rules authorized by
13 this subsection (e) shall be deemed to be necessary for the
14 public interest, safety, and 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 this amendatory
18 Act of the 91st General Assembly or any other budget initiative
19 for fiscal year 2001 may be adopted in accordance with this
20 Section by the agency charged with administering that provision
21 or initiative, except that the 24-month limitation on the
22 adoption of emergency rules and the provisions of Sections
23 5-115 and 5-125 do not apply to rules adopted under this
24 subsection (f). The adoption of emergency rules authorized by
25 this subsection (f) shall be deemed to be necessary for the
26 public interest, safety, and 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 this amendatory
4 Act of the 92nd General Assembly or any other budget initiative
5 for fiscal year 2002 may be adopted in accordance with this
6 Section by the agency charged with administering that provision
7 or initiative, except that the 24-month limitation on the
8 adoption of emergency rules and the provisions of Sections
9 5-115 and 5-125 do not apply to rules adopted under this
10 subsection (g). The adoption of emergency rules authorized by
11 this subsection (g) shall be deemed to be necessary for the
12 public interest, safety, and 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 this amendatory
16 Act of the 92nd General Assembly or any other budget initiative
17 for fiscal year 2003 may be adopted in accordance with this
18 Section by the agency charged with administering that provision
19 or initiative, except that the 24-month limitation on the
20 adoption of emergency rules and the provisions of Sections
21 5-115 and 5-125 do not apply to rules adopted under this
22 subsection (h). The adoption of emergency rules authorized by
23 this subsection (h) shall be deemed to be necessary for the
24 public interest, safety, and 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 this amendatory
2 Act of the 93rd General Assembly or any other budget initiative
3 for fiscal year 2004 may be adopted in accordance with this
4 Section by the agency charged with administering that provision
5 or initiative, except that the 24-month limitation on the
6 adoption of emergency rules and the provisions of Sections
7 5-115 and 5-125 do not apply to rules adopted under this
8 subsection (i). The adoption of emergency rules authorized by
9 this subsection (i) shall be deemed to be necessary for the
10 public interest, safety, and 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 this
4 amendatory Act of the 94th General Assembly or any other budget
5 initiative for fiscal year 2006 may be adopted in accordance
6 with this Section by the agency charged with administering that
7 provision or initiative, except that the 24-month limitation on
8 the adoption of emergency rules and the provisions of Sections
9 5-115 and 5-125 do not apply to rules adopted under this
10 subsection (k). The Department of Healthcare and Family
11 Services may also adopt rules under this subsection (k)
12 necessary to administer the Illinois Public Aid Code, the
13 Senior Citizens and Disabled Persons Property Tax Relief Act,
14 the Senior Citizens and Disabled Persons Prescription Drug
15 Discount Program Act (now the Illinois Prescription Drug
16 Discount Program Act), and the Children's Health Insurance
17 Program Act. The adoption of emergency rules authorized by this
18 subsection (k) shall be deemed to be necessary for the public
19 interest, safety, and 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 this
23 amendatory Act of the 96th General Assembly or any other budget
24 initiative authorized by the 96th General Assembly for fiscal
25 year 2010 may be adopted in accordance with this Section by the
26 agency charged with administering that provision or

1 initiative. The adoption of emergency rules authorized by this
2 subsection (n) shall be deemed to be necessary for the public
3 interest, safety, and welfare. The rulemaking authority
4 granted in this subsection (n) shall apply only to rules
5 promulgated during Fiscal Year 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 this
9 amendatory Act of the 96th General Assembly or any other budget
10 initiative authorized by the 96th General Assembly for fiscal
11 year 2011 may be adopted in accordance with this Section by the
12 agency charged with administering that provision or
13 initiative. The adoption of emergency rules authorized by this
14 subsection (o) is deemed to be necessary for the public
15 interest, safety, and welfare. The rulemaking authority
16 granted in this subsection (o) applies only to rules
17 promulgated on or after the effective date of this amendatory
18 Act of the 96th General Assembly through June 30, 2011.

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

1 June 30, 2013. The 24-month limitation on the adoption of
2 emergency rules does not apply to rules adopted under this
3 subsection (p). The adoption of emergency rules authorized by
4 this subsection (p) is deemed to be necessary for the public
5 interest, safety, and welfare.

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

18 (r) In order to provide for the expeditious and timely
19 implementation of the provisions of this amendatory Act of the
20 98th General Assembly, emergency rules to implement this
21 amendatory Act of the 98th General Assembly may be adopted in
22 accordance with this subsection (r) by the Department of
23 Healthcare and Family Services. The 24-month limitation on the
24 adoption of emergency rules does not apply to rules adopted
25 under this subsection (r). The adoption of emergency rules
26 authorized by this subsection (r) is deemed to be necessary for

1 the public interest, safety, and welfare.

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

15 (Source: P.A. 97-689, eff. 6-14-12; 97-695, eff. 7-1-12;
16 98-104, eff. 7-22-13; 98-463, eff. 8-16-13; 98-651, eff.
17 6-16-14.)

18 Section 10. The Governor's Office of Management and Budget
19 Act is amended by changing Section 7.2 as follows:

20 (20 ILCS 3005/7.2)

21 Sec. 7.2. Quarterly financial reports. The Office shall
22 prepare and publish a quarterly financial report to update the
23 public and the General Assembly on the status of the State's
24 finances. At a minimum, each report shall include the following

1 information:

2 (1) A review of the State's economic outlook.

3 (2) A review of general funds revenue performance, both
4 quarterly and year to date, and an evaluation of that
5 performance.

6 (3) The outlook for future general funds revenue
7 performance, including projections of future general funds
8 revenues.

9 (4) An assessment of the State's financial position,
10 including a summary of general fund receipts, transfers,
11 expenditures, and liabilities.

12 (5) A review of Statewide employment statistics.

13 (6) Other information necessary to present the status
14 of the State's finances.

15 (7) For the report covering the fourth quarter of State
16 fiscal year 2015 only, the report shall also include the
17 information described in subsection (e) of Section 8.50 of
18 the State Finance Act.

19 In addition, the fourth quarter report for each fiscal year
20 shall include a summary of fiscal and balanced budget notes
21 issued by the Office to the General Assembly during the prior
22 legislative session. Each report shall be posted on the
23 Office's website within 45 days.

24 (Source: P.A. 96-555, eff. 8-18-09.)

25 Section 15. The State Finance Act is amended by changing

1 Section 13.2 and by adding Section 8.50 as follows:

2 (30 ILCS 105/8.50 new)

3 Sec. 8.50. Special fund transfers.

4 (a) In order to maintain the integrity of special funds and
5 improve stability in the General Revenue Fund, the following
6 transfers are authorized from the designated funds into the
7 General Revenue Fund:

8 Road Fund \$250,000,000

9 Motor Fuel Tax Fund \$50,000,000

10 Food and Drug Safety Fund \$1,000,000

11 Teacher Certificate Fee Revolving Fund \$5,000,000

12 Grade Crossing Protection Fund \$10,000,000

13 Financial Institution Fund \$1,573,600

14 General Professions Dedicated Fund \$2,000,000

15 Lobbyist Registration Administration Fund \$1,000,000

16 Agricultural Premium Fund \$5,000,000

17 Fire Prevention Fund \$23,000,000

18 Illinois State Pharmacy Disciplinary Fund \$2,700,000

19 Radiation Protection Fund \$1,500,000

20 Hospital Licensure Fund \$500,000

21 Underground Storage Tank Fund \$20,000,000

22 Solid Waste Management Fund \$15,000,000

23 Subtitle D Management Fund \$1,000,000

24 Illinois State Medical Disciplinary Fund \$10,000,000

25 Facility Licensing Fund \$1,000,000

1	<u>Registered Certified Public Accountants'</u>	
2	<u>Administration and Disciplinary Fund</u>	..... \$6,100,000
3	<u>Motor Vehicle Theft Prevention Fund</u>	..... \$6,000,000
4	<u>Weights and Measures Fund</u>	..... \$2,000,000
5	<u>State and Local Sales Tax Reform Fund</u>	..... \$40,000,000
6	<u>County and Mass Transit District Fund</u>	..... \$40,000,000
7	<u>Local Government Tax Fund</u>	..... \$200,000,000
8	<u>Illinois Fisheries Management Fund</u>	..... \$500,000
9	<u>Capital Development Board Revolving Fund</u>	..... \$1,500,000
10	<u>Intercity Passenger Rail Fund</u>	..... \$370,000
11	<u>Illinois Health Facilities Planning Fund</u>	..... \$3,746,000
12	<u>Emergency Public Health Fund</u>	..... \$500,000
13	<u>TOMA Consumer Protection Fund</u>	..... \$1,500,000
14	<u>Fair and Exposition Fund</u>	..... \$1,000,000
15	<u>State Police Vehicle Fund</u>	..... \$4,000,000
16	<u>Nursing Dedicated and Professional Fund</u>	..... \$5,000,000
17	<u>Underground Resources Conservation Enforcement Fund</u>	.. \$500,000
18	<u>State Rail Freight Loan Repayment Fund</u>	..... \$10,000,000
19	<u>Illinois Affordable Housing Trust Fund</u>	..... \$6,000,000
20	<u>Home Care Services Agency Licensure Fund</u>	..... \$1,000,000
21	<u>Fertilizer Control Fund</u>	..... \$500,000
22	<u>Securities Investors Education Fund</u>	..... \$5,000,000
23	<u>Used Tire Management Fund</u>	..... \$20,000,000
24	<u>Natural Areas Acquisition Fund</u>	..... \$6,000,000
25	<u>I-FLY Fund</u>	..... \$1,545,000
26	<u>Illinois Prescription Drug Discount Program Fund</u>	.... \$257,100

1	<u>ICJIA Violence Prevention Special Projects Fund</u>	<u>\$3,000,000</u>
2	<u>Tattoo and Body Piercing</u>	
3	<u>Establishment Registration Fund</u>	<u>\$250,000</u>
4	<u>Public Health Laboratory Services Revolving Fund</u>	<u>\$500,000</u>
5	<u>Provider Inquiry Trust Fund</u>	<u>\$1,300,000</u>
6	<u>Securities Audit and Enforcement Fund</u>	<u>\$4,000,000</u>
7	<u>Drug Treatment Fund</u>	<u>\$1,000,000</u>
8	<u>Feed Control Fund</u>	<u>\$1,000,000</u>
9	<u>Plumbing Licensure and Program Fund</u>	<u>\$200,000</u>
10	<u>Appraisal Administration Fund</u>	<u>\$400,000</u>
11	<u>Trauma Center Fund</u>	<u>\$7,000,000</u>
12	<u>Alternate Fuels Fund</u>	<u>\$1,500,000</u>
13	<u>Illinois State Fair Fund</u>	<u>\$1,000,000</u>
14	<u>Agricultural Master Fund</u>	<u>\$400,000</u>
15	<u>Human Services Priority Capital Program Fund</u>	<u>\$1,680,000</u>
16	<u>State Asset Forfeiture Fund</u>	<u>\$250,000</u>
17	<u>Health Facility Plan Review Fund</u>	<u>\$1,000,000</u>
18	<u>Illinois Workers' Compensation</u>	
19	<u>Commission Operations Fund</u>	<u>\$10,000,000</u>
20	<u>Workforce, Technology, and Economic Development Fund</u>	<u>\$300,000</u>
21	<u>Downstate Transit Improvement Fund</u>	<u>\$70,000,000</u>
22	<u>Renewable Energy Resources Trust Fund</u>	<u>\$3,000,000</u>
23	<u>Energy Efficiency Trust Fund</u>	<u>\$6,000,000</u>
24	<u>Pesticide Control Fund</u>	<u>\$3,000,000</u>
25	<u>Partners for Conservation Fund</u>	<u>\$6,000,000</u>
26	<u>Wireless Service Emergency Fund</u>	<u>\$7,500,000</u>

1	<u>Death Certificate Surcharge Fund</u>	<u>\$1,500,000</u>
2	<u>Illinois Adoption Registry and</u>	
3	<u>Medical Information Exchange Fund</u>	<u>\$232,000</u>
4	<u>Fund for the Advancement of Education</u>	<u>\$25,000,000</u>
5	<u>Commitment to Human Services Fund</u>	<u>\$25,000,000</u>
6	<u>Illinois Standardbred Breeders Fund</u>	<u>\$250,000</u>
7	<u>Illinois Thoroughbred Breeders Fund</u>	<u>\$250,000</u>
8	<u>Spinal Cord Injury Paralysis</u>	
9	<u>Cure Research Trust Fund</u>	<u>\$1,100,000</u>
10	<u>Medicaid Buy-In Program Revolving Fund</u>	<u>\$1,700,000</u>
11	<u>Home Inspector Administration Fund</u>	<u>\$1,000,000</u>
12	<u>Real Estate Audit Fund</u>	<u>\$193,600</u>
13	<u>Illinois AgriFIRST Program Fund</u>	<u>\$204,000</u>
14	<u>Performance-enhancing Substance Testing Fund</u>	<u>\$365,000</u>
15	<u>Bank and Trust Company Fund</u>	<u>\$25,000,000</u>
16	<u>Natural Resources Restoration Trust Fund</u>	<u>\$1,000,000</u>
17	<u>Illinois Power Agency Renewable</u>	
18	<u>Energy Resources Fund</u>	<u>\$98,000,000</u>
19	<u>Real Estate Research and Education Fund</u>	<u>\$500,000</u>
20	<u>Real Estate License Administration Fund</u>	<u>\$30,000,000</u>
21	<u>Abandoned Residential Property</u>	
22	<u>Municipality Relief Fund</u>	<u>\$700,000</u>
23	<u>State Construction Account Fund</u>	<u>\$50,000,000</u>
24	<u>State Police Services Fund</u>	<u>\$6,000,000</u>
25	<u>Metabolic Screening and Treatment Fund</u>	<u>\$5,000,000</u>
26	<u>Insurance Producer Administration Fund</u>	<u>\$70,313,800</u>

1	<u>Coal Technology Development Assistance Fund</u>	<u>\$3,000,000</u>
2	<u>Low-Level Radioactive Waste Facility Development</u>	
3	<u>and Operation Fund</u>	<u>\$500,000</u>
4	<u>Low-Level Radioactive Waste Facility Closure,</u>	
5	<u>Post-Closure Care and Compensation Fund</u>	<u>\$110,000</u>
6	<u>Illinois State Podiatric Disciplinary Fund</u>	<u>\$200,000</u>
7	<u>Park and Conservation Fund</u>	<u>\$15,000,000</u>
8	<u>Vehicle Inspection Fund</u>	<u>\$8,000,000</u>
9	<u>Local Tourism Fund</u>	<u>\$308,000</u>
10	<u>Illinois Capital Revolving Loan Fund</u>	<u>\$5,000,000</u>
11	<u>Illinois Equity Fund</u>	<u>\$500,000</u>
12	<u>Public Infrastructure Construction</u>	
13	<u>Loan Revolving Fund</u>	<u>\$9,000,000</u>
14	<u>Insurance Financial Regulation Fund</u>	<u>\$23,598,000</u>
15	<u>Dram Shop Fund</u>	<u>\$1,000,000</u>
16	<u>Illinois State Dental Disciplinary Fund</u>	<u>\$1,500,000</u>
17	<u>ISBE Teacher Certificate Institute Fund</u>	<u>\$1,800,000</u>
18	<u>Mental Health Fund</u>	<u>\$3,000,000</u>
19	<u>Tobacco Settlement Recovery Fund</u>	<u>\$4,000,000</u>
20	<u>Public Health Special State Projects Fund</u>	<u>\$5,000,000</u>
21	<u>Total</u>	<u>\$1,318,396,100</u>

22 (b) In order to maintain the integrity of special funds and
23 improve stability in the General Obligation Bond Retirement and
24 Interest Fund, the following transfer is authorized from the
25 designated fund into the General Obligation Bond Retirement and
26 Interest Fund:

1 Federal High Speed Rail Trust Fund \$48,000,000

2 (c) On and after the effective date of this amendatory Act
3 of the 99th General Assembly through the end of State fiscal
4 year 2015, when any of the funds listed in subsection (a) has
5 insufficient cash from which the State Comptroller may make
6 expenditures properly supported by appropriations from the
7 fund, then, at the direction of the Director of the Governor's
8 Office of Management and Budget, the State Treasurer and State
9 Comptroller shall transfer from the General Revenue Fund to the
10 fund only such amount as is immediately necessary to satisfy
11 outstanding expenditure obligations on a timely basis, subject
12 to the provisions of the State Prompt Payment Act. All or a
13 portion of the amounts transferred from the General Revenue
14 Fund to a fund pursuant to this subsection (c) from time to
15 time may be re-transferred by the State Comptroller and the
16 State Treasurer from the receiving fund into the General
17 Revenue Fund as soon as and to the extent that deposits are
18 made into or receipts are collected by the receiving fund.

19 (d) The State Treasurer and State Comptroller shall
20 transfer the amounts designated under subsections (a) and (b)
21 of this Section as soon as may be practicable after receiving
22 the direction to transfer from the Director of the Governor's
23 Office of Management and Budget. If the Director of the
24 Governor's Office of Management and Budget determines that any
25 transfer authorized by this Section from a special fund under
26 subsection (a) or (b) either (i) jeopardizes federal funding

1 based on a written communication from a federal official or
2 (ii) violates an order of a court of competent jurisdiction,
3 then the Director may order the State Treasurer and State
4 Comptroller, in writing, to (i) transfer from the General
5 Revenue Fund to that listed special fund all or part of the
6 amounts transferred from that special fund under subsection
7 (a), or (ii) transfer from the General Obligation Bond
8 Retirement and Interest Fund to that listed special fund all or
9 part of the amounts transferred from that special fund under
10 subsection (b).

11 (e) For the fourth quarter of State fiscal year 2015, the
12 report filed under Section 7.2 of the Governor's Office of
13 Management and Budget Act shall contain, in addition to the
14 information otherwise required, information on all transfers
15 made pursuant to this Section, including all of the following:

16 (1) The date each transfer was made.

17 (2) The amount of each transfer.

18 (3) In the case of a transfer from the General Revenue
19 Fund to a fund of origin pursuant to subsection (c) or (d)
20 of this Section, the amount of such transfer and the date
21 such transfer was made.

22 (4) The end of day balance of both the fund of origin
23 and the General Revenue Fund on the date the transfer was
24 made.

25 (f) Notwithstanding any provision of law to the contrary,
26 the transfers in this Section shall be made through the end of

1 State fiscal year 2015.

2 (30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

3 Sec. 13.2. Transfers among line item appropriations.

4 (a) Transfers among line item appropriations from the same
5 treasury fund for the objects specified in this Section may be
6 made in the manner provided in this Section when the balance
7 remaining in one or more such line item appropriations is
8 insufficient for the purpose for which the appropriation was
9 made.

10 (a-1) No transfers may be made from one agency to another
11 agency, nor may transfers be made from one institution of
12 higher education to another institution of higher education
13 except as provided by subsection (a-4).

14 (a-2) Except as otherwise provided in this Section,
15 transfers may be made only among the objects of expenditure
16 enumerated in this Section, except that no funds may be
17 transferred from any appropriation for personal services, from
18 any appropriation for State contributions to the State
19 Employees' Retirement System, from any separate appropriation
20 for employee retirement contributions paid by the employer, nor
21 from any appropriation for State contribution for employee
22 group insurance. During State fiscal year 2005, an agency may
23 transfer amounts among its appropriations within the same
24 treasury fund for personal services, employee retirement
25 contributions paid by employer, and State Contributions to

1 retirement systems; notwithstanding and in addition to the
2 transfers authorized in subsection (c) of this Section, the
3 fiscal year 2005 transfers authorized in this sentence may be
4 made in an amount not to exceed 2% of the aggregate amount
5 appropriated to an agency within the same treasury fund. During
6 State fiscal year 2007, the Departments of Children and Family
7 Services, Corrections, Human Services, and Juvenile Justice
8 may transfer amounts among their respective appropriations
9 within the same treasury fund for personal services, employee
10 retirement contributions paid by employer, and State
11 contributions to retirement systems. During State fiscal year
12 2010, the Department of Transportation may transfer amounts
13 among their respective appropriations within the same treasury
14 fund for personal services, employee retirement contributions
15 paid by employer, and State contributions to retirement
16 systems. During State fiscal years 2010 and 2014 only, an
17 agency may transfer amounts among its respective
18 appropriations within the same treasury fund for personal
19 services, employee retirement contributions paid by employer,
20 and State contributions to retirement systems.
21 Notwithstanding, and in addition to, the transfers authorized
22 in subsection (c) of this Section, these transfers may be made
23 in an amount not to exceed 2% of the aggregate amount
24 appropriated to an agency within the same treasury fund.

25 (a-2.5) During State fiscal year 2015 only, the State's
26 Attorneys Appellate Prosecutor may transfer amounts among its

1 respective appropriations contained in operational line items
2 within the same treasury fund. Notwithstanding, and in addition
3 to, the transfers authorized in subsection (c) of this Section,
4 these transfers may be made in an amount not to exceed 4% of
5 the aggregate amount appropriated to the State's Attorneys
6 Appellate Prosecutor within the same treasury fund.

7 (a-3) Further, if an agency receives a separate
8 appropriation for employee retirement contributions paid by
9 the employer, any transfer by that agency into an appropriation
10 for personal services must be accompanied by a corresponding
11 transfer into the appropriation for employee retirement
12 contributions paid by the employer, in an amount sufficient to
13 meet the employer share of the employee contributions required
14 to be remitted to the retirement system.

15 (a-4) Long-Term Care Rebalancing. The Governor may
16 designate amounts set aside for institutional services
17 appropriated from the General Revenue Fund or any other State
18 fund that receives monies for long-term care services to be
19 transferred to all State agencies responsible for the
20 administration of community-based long-term care programs,
21 including, but not limited to, community-based long-term care
22 programs administered by the Department of Healthcare and
23 Family Services, the Department of Human Services, and the
24 Department on Aging, provided that the Director of Healthcare
25 and Family Services first certifies that the amounts being
26 transferred are necessary for the purpose of assisting persons

1 in or at risk of being in institutional care to transition to
2 community-based settings, including the financial data needed
3 to prove the need for the transfer of funds. The total amounts
4 transferred shall not exceed 4% in total of the amounts
5 appropriated from the General Revenue Fund or any other State
6 fund that receives monies for long-term care services for each
7 fiscal year. A notice of the fund transfer must be made to the
8 General Assembly and posted at a minimum on the Department of
9 Healthcare and Family Services website, the Governor's Office
10 of Management and Budget website, and any other website the
11 Governor sees fit. These postings shall serve as notice to the
12 General Assembly of the amounts to be transferred. Notice shall
13 be given at least 30 days prior to transfer.

14 (b) In addition to the general transfer authority provided
15 under subsection (c), the following agencies have the specific
16 transfer authority granted in this subsection:

17 The Department of Healthcare and Family Services is
18 authorized to make transfers representing savings attributable
19 to not increasing grants due to the births of additional
20 children from line items for payments of cash grants to line
21 items for payments for employment and social services for the
22 purposes outlined in subsection (f) of Section 4-2 of the
23 Illinois Public Aid Code.

24 The Department of Children and Family Services is
25 authorized to make transfers not exceeding 2% of the aggregate
26 amount appropriated to it within the same treasury fund for the

1 following line items among these same line items: Foster Home
2 and Specialized Foster Care and Prevention, Institutions and
3 Group Homes and Prevention, and Purchase of Adoption and
4 Guardianship Services.

5 The Department on Aging is authorized to make transfers not
6 exceeding 2% of the aggregate amount appropriated to it within
7 the same treasury fund for the following Community Care Program
8 line items among these same line items: purchase of services
9 covered by the Community Care Program and Comprehensive Case
10 Coordination.

11 The State Treasurer is authorized to make transfers among
12 line item appropriations from the Capital Litigation Trust
13 Fund, with respect to costs incurred in fiscal years 2002 and
14 2003 only, when the balance remaining in one or more such line
15 item appropriations is insufficient for the purpose for which
16 the appropriation was made, provided that no such transfer may
17 be made unless the amount transferred is no longer required for
18 the purpose for which that appropriation was made.

19 The State Board of Education is authorized to make
20 transfers from line item appropriations within the same
21 treasury fund for General State Aid and General State Aid -
22 Hold Harmless, provided that no such transfer may be made
23 unless the amount transferred is no longer required for the
24 purpose for which that appropriation was made, to the line item
25 appropriation for Transitional Assistance when the balance
26 remaining in such line item appropriation is insufficient for

1 the purpose for which the appropriation was made.

2 The State Board of Education is authorized to make
3 transfers between the following line item appropriations
4 within the same treasury fund: Disabled Student
5 Services/Materials (Section 14-13.01 of the School Code),
6 Disabled Student Transportation Reimbursement (Section
7 14-13.01 of the School Code), Disabled Student Tuition -
8 Private Tuition (Section 14-7.02 of the School Code),
9 Extraordinary Special Education (Section 14-7.02b of the
10 School Code), Reimbursement for Free Lunch/Breakfast Program,
11 Summer School Payments (Section 18-4.3 of the School Code), and
12 Transportation - Regular/Vocational Reimbursement (Section
13 29-5 of the School Code). Such transfers shall be made only
14 when the balance remaining in one or more such line item
15 appropriations is insufficient for the purpose for which the
16 appropriation was made and provided that no such transfer may
17 be made unless the amount transferred is no longer required for
18 the purpose for which that appropriation was made.

19 The Department of Healthcare and Family Services is
20 authorized to make transfers not exceeding 4% of the aggregate
21 amount appropriated to it, within the same treasury fund, among
22 the various line items appropriated for Medical Assistance.

23 (c) The sum of such transfers for an agency in a fiscal
24 year shall not exceed 2% of the aggregate amount appropriated
25 to it within the same treasury fund for the following objects:
26 Personal Services; Extra Help; Student and Inmate

1 Compensation; State Contributions to Retirement Systems; State
2 Contributions to Social Security; State Contribution for
3 Employee Group Insurance; Contractual Services; Travel;
4 Commodities; Printing; Equipment; Electronic Data Processing;
5 Operation of Automotive Equipment; Telecommunications
6 Services; Travel and Allowance for Committed, Paroled and
7 Discharged Prisoners; Library Books; Federal Matching Grants
8 for Student Loans; Refunds; Workers' Compensation,
9 Occupational Disease, and Tort Claims; and, in appropriations
10 to institutions of higher education, Awards and Grants.
11 Notwithstanding the above, any amounts appropriated for
12 payment of workers' compensation claims to an agency to which
13 the authority to evaluate, administer and pay such claims has
14 been delegated by the Department of Central Management Services
15 may be transferred to any other expenditure object where such
16 amounts exceed the amount necessary for the payment of such
17 claims.

18 (c-1) Special provisions for State fiscal year 2003.
19 Notwithstanding any other provision of this Section to the
20 contrary, for State fiscal year 2003 only, transfers among line
21 item appropriations to an agency from the same treasury fund
22 may be made provided that the sum of such transfers for an
23 agency in State fiscal year 2003 shall not exceed 3% of the
24 aggregate amount appropriated to that State agency for State
25 fiscal year 2003 for the following objects: personal services,
26 except that no transfer may be approved which reduces the

1 aggregate appropriations for personal services within an
2 agency; extra help; student and inmate compensation; State
3 contributions to retirement systems; State contributions to
4 social security; State contributions for employee group
5 insurance; contractual services; travel; commodities;
6 printing; equipment; electronic data processing; operation of
7 automotive equipment; telecommunications services; travel and
8 allowance for committed, paroled, and discharged prisoners;
9 library books; federal matching grants for student loans;
10 refunds; workers' compensation, occupational disease, and tort
11 claims; and, in appropriations to institutions of higher
12 education, awards and grants.

13 (c-2) Special provisions for State fiscal year 2005.
14 Notwithstanding subsections (a), (a-2), and (c), for State
15 fiscal year 2005 only, transfers may be made among any line
16 item appropriations from the same or any other treasury fund
17 for any objects or purposes, without limitation, when the
18 balance remaining in one or more such line item appropriations
19 is insufficient for the purpose for which the appropriation was
20 made, provided that the sum of those transfers by a State
21 agency shall not exceed 4% of the aggregate amount appropriated
22 to that State agency for fiscal year 2005.

23 (c-3) Special provisions for State fiscal year 2015.
24 Notwithstanding any other provision of this Section, for State
25 fiscal year 2015, transfers among line item appropriations to a
26 State agency from the same State treasury fund may be made for

1 operational or lump sum expenses only, provided that the sum of
2 such transfers for a State agency in State fiscal year 2015
3 shall not exceed 4% of the aggregate amount appropriated to
4 that State agency for operational or lump sum expenses for
5 State fiscal year 2015. For the purpose of this subsection,
6 "operational or lump sum expenses" includes the following
7 objects: personal services; extra help; student and inmate
8 compensation; State contributions to retirement systems; State
9 contributions to social security; State contributions for
10 employee group insurance; contractual services; travel;
11 commodities; printing; equipment; electronic data processing;
12 operation of automotive equipment; telecommunications
13 services; travel and allowance for committed, paroled, and
14 discharged prisoners; library books; federal matching grants
15 for student loans; refunds; workers' compensation,
16 occupational disease, and tort claims; lump sum and other
17 purposes; and lump sum operations. For the purpose of this
18 subsection (c-3), "State agency" does not include the Attorney
19 General, the Secretary of State, the Comptroller, the
20 Treasurer, or the legislative or judicial branches.

21 (d) Transfers among appropriations made to agencies of the
22 Legislative and Judicial departments and to the
23 constitutionally elected officers in the Executive branch
24 require the approval of the officer authorized in Section 10 of
25 this Act to approve and certify vouchers. Transfers among
26 appropriations made to the University of Illinois, Southern

1 Illinois University, Chicago State University, Eastern
2 Illinois University, Governors State University, Illinois
3 State University, Northeastern Illinois University, Northern
4 Illinois University, Western Illinois University, the Illinois
5 Mathematics and Science Academy and the Board of Higher
6 Education require the approval of the Board of Higher Education
7 and the Governor. Transfers among appropriations to all other
8 agencies require the approval of the Governor.

9 The officer responsible for approval shall certify that the
10 transfer is necessary to carry out the programs and purposes
11 for which the appropriations were made by the General Assembly
12 and shall transmit to the State Comptroller a certified copy of
13 the approval which shall set forth the specific amounts
14 transferred so that the Comptroller may change his records
15 accordingly. The Comptroller shall furnish the Governor with
16 information copies of all transfers approved for agencies of
17 the Legislative and Judicial departments and transfers
18 approved by the constitutionally elected officials of the
19 Executive branch other than the Governor, showing the amounts
20 transferred and indicating the dates such changes were entered
21 on the Comptroller's records.

22 (e) The State Board of Education, in consultation with the
23 State Comptroller, may transfer line item appropriations for
24 General State Aid between the Common School Fund and the
25 Education Assistance Fund. With the advice and consent of the
26 Governor's Office of Management and Budget, the State Board of

1 Education, in consultation with the State Comptroller, may
2 transfer line item appropriations between the General Revenue
3 Fund and the Education Assistance Fund for the following
4 programs:

5 (1) Disabled Student Personnel Reimbursement (Section
6 14-13.01 of the School Code);

7 (2) Disabled Student Transportation Reimbursement
8 (subsection (b) of Section 14-13.01 of the School Code);

9 (3) Disabled Student Tuition - Private Tuition
10 (Section 14-7.02 of the School Code);

11 (4) Extraordinary Special Education (Section 14-7.02b
12 of the School Code);

13 (5) Reimbursement for Free Lunch/Breakfast Programs;

14 (6) Summer School Payments (Section 18-4.3 of the
15 School Code);

16 (7) Transportation - Regular/Vocational Reimbursement
17 (Section 29-5 of the School Code);

18 (8) Regular Education Reimbursement (Section 18-3 of
19 the School Code); and

20 (9) Special Education Reimbursement (Section 14-7.03
21 of the School Code).

22 (Source: P.A. 97-689, eff. 7-1-12; 98-24, eff. 6-19-13; 98-674,
23 eff. 6-30-14.)

24 Section 20. The School Code is amended by changing Section
25 18-8.05 as follows:

1 (105 ILCS 5/18-8.05)

2 Sec. 18-8.05. Basis for apportionment of general State
3 financial aid and supplemental general State aid to the common
4 schools for the 1998-1999 and subsequent school years.

5 (A) General Provisions.

6 (1) The provisions of this Section apply to the 1998-1999
7 and subsequent school years. The system of general State
8 financial aid provided for in this Section is designed to
9 assure that, through a combination of State financial aid and
10 required local resources, the financial support provided each
11 pupil in Average Daily Attendance equals or exceeds a
12 prescribed per pupil Foundation Level. This formula approach
13 imputes a level of per pupil Available Local Resources and
14 provides for the basis to calculate a per pupil level of
15 general State financial aid that, when added to Available Local
16 Resources, equals or exceeds the Foundation Level. The amount
17 of per pupil general State financial aid for school districts,
18 in general, varies in inverse relation to Available Local
19 Resources. Per pupil amounts are based upon each school
20 district's Average Daily Attendance as that term is defined in
21 this Section.

22 (2) In addition to general State financial aid, school
23 districts with specified levels or concentrations of pupils
24 from low income households are eligible to receive supplemental

1 general State financial aid grants as provided pursuant to
2 subsection (H). The supplemental State aid grants provided for
3 school districts under subsection (H) shall be appropriated for
4 distribution to school districts as part of the same line item
5 in which the general State financial aid of school districts is
6 appropriated under this Section.

7 (3) To receive financial assistance under this Section,
8 school districts are required to file claims with the State
9 Board of Education, subject to the following requirements:

10 (a) Any school district which fails for any given
11 school year to maintain school as required by law, or to
12 maintain a recognized school is not eligible to file for
13 such school year any claim upon the Common School Fund. In
14 case of nonrecognition of one or more attendance centers in
15 a school district otherwise operating recognized schools,
16 the claim of the district shall be reduced in the
17 proportion which the Average Daily Attendance in the
18 attendance center or centers bear to the Average Daily
19 Attendance in the school district. A "recognized school"
20 means any public school which meets the standards as
21 established for recognition by the State Board of
22 Education. A school district or attendance center not
23 having recognition status at the end of a school term is
24 entitled to receive State aid payments due upon a legal
25 claim which was filed while it was recognized.

26 (b) School district claims filed under this Section are

1 subject to Sections 18-9 and 18-12, except as otherwise
2 provided in this Section.

3 (c) If a school district operates a full year school
4 under Section 10-19.1, the general State aid to the school
5 district shall be determined by the State Board of
6 Education in accordance with this Section as near as may be
7 applicable.

8 (d) (Blank).

9 (4) Except as provided in subsections (H) and (L), the
10 board of any district receiving any of the grants provided for
11 in this Section may apply those funds to any fund so received
12 for which that board is authorized to make expenditures by law.

13 School districts are not required to exert a minimum
14 Operating Tax Rate in order to qualify for assistance under
15 this Section.

16 (5) As used in this Section the following terms, when
17 capitalized, shall have the meaning ascribed herein:

18 (a) "Average Daily Attendance": A count of pupil
19 attendance in school, averaged as provided for in
20 subsection (C) and utilized in deriving per pupil financial
21 support levels.

22 (b) "Available Local Resources": A computation of
23 local financial support, calculated on the basis of Average
24 Daily Attendance and derived as provided pursuant to
25 subsection (D).

26 (c) "Corporate Personal Property Replacement Taxes":

1 Funds paid to local school districts pursuant to "An Act in
2 relation to the abolition of ad valorem personal property
3 tax and the replacement of revenues lost thereby, and
4 amending and repealing certain Acts and parts of Acts in
5 connection therewith", certified August 14, 1979, as
6 amended (Public Act 81-1st S.S.-1).

7 (d) "Foundation Level": A prescribed level of per pupil
8 financial support as provided for in subsection (B).

9 (e) "Operating Tax Rate": All school district property
10 taxes extended for all purposes, except Bond and Interest,
11 Summer School, Rent, Capital Improvement, and Vocational
12 Education Building purposes.

13 (B) Foundation Level.

14 (1) The Foundation Level is a figure established by the
15 State representing the minimum level of per pupil financial
16 support that should be available to provide for the basic
17 education of each pupil in Average Daily Attendance. As set
18 forth in this Section, each school district is assumed to exert
19 a sufficient local taxing effort such that, in combination with
20 the aggregate of general State financial aid provided the
21 district, an aggregate of State and local resources are
22 available to meet the basic education needs of pupils in the
23 district.

24 (2) For the 1998-1999 school year, the Foundation Level of
25 support is \$4,225. For the 1999-2000 school year, the

1 Foundation Level of support is \$4,325. For the 2000-2001 school
2 year, the Foundation Level of support is \$4,425. For the
3 2001-2002 school year and 2002-2003 school year, the Foundation
4 Level of support is \$4,560. For the 2003-2004 school year, the
5 Foundation Level of support is \$4,810. For the 2004-2005 school
6 year, the Foundation Level of support is \$4,964. For the
7 2005-2006 school year, the Foundation Level of support is
8 \$5,164. For the 2006-2007 school year, the Foundation Level of
9 support is \$5,334. For the 2007-2008 school year, the
10 Foundation Level of support is \$5,734. For the 2008-2009 school
11 year, the Foundation Level of support is \$5,959.

12 (3) For the 2009-2010 school year and each school year
13 thereafter, the Foundation Level of support is \$6,119 or such
14 greater amount as may be established by law by the General
15 Assembly.

16 (C) Average Daily Attendance.

17 (1) For purposes of calculating general State aid pursuant
18 to subsection (E), an Average Daily Attendance figure shall be
19 utilized. The Average Daily Attendance figure for formula
20 calculation purposes shall be the monthly average of the actual
21 number of pupils in attendance of each school district, as
22 further averaged for the best 3 months of pupil attendance for
23 each school district. In compiling the figures for the number
24 of pupils in attendance, school districts and the State Board
25 of Education shall, for purposes of general State aid funding,

1 conform attendance figures to the requirements of subsection
2 (F).

3 (2) The Average Daily Attendance figures utilized in
4 subsection (E) shall be the requisite attendance data for the
5 school year immediately preceding the school year for which
6 general State aid is being calculated or the average of the
7 attendance data for the 3 preceding school years, whichever is
8 greater. The Average Daily Attendance figures utilized in
9 subsection (H) shall be the requisite attendance data for the
10 school year immediately preceding the school year for which
11 general State aid is being calculated.

12 (D) Available Local Resources.

13 (1) For purposes of calculating general State aid pursuant
14 to subsection (E), a representation of Available Local
15 Resources per pupil, as that term is defined and determined in
16 this subsection, shall be utilized. Available Local Resources
17 per pupil shall include a calculated dollar amount representing
18 local school district revenues from local property taxes and
19 from Corporate Personal Property Replacement Taxes, expressed
20 on the basis of pupils in Average Daily Attendance. Calculation
21 of Available Local Resources shall exclude any tax amnesty
22 funds received as a result of Public Act 93-26.

23 (2) In determining a school district's revenue from local
24 property taxes, the State Board of Education shall utilize the
25 equalized assessed valuation of all taxable property of each

1 school district as of September 30 of the previous year. The
2 equalized assessed valuation utilized shall be obtained and
3 determined as provided in subsection (G).

4 (3) For school districts maintaining grades kindergarten
5 through 12, local property tax revenues per pupil shall be
6 calculated as the product of the applicable equalized assessed
7 valuation for the district multiplied by 3.00%, and divided by
8 the district's Average Daily Attendance figure. For school
9 districts maintaining grades kindergarten through 8, local
10 property tax revenues per pupil shall be calculated as the
11 product of the applicable equalized assessed valuation for the
12 district multiplied by 2.30%, and divided by the district's
13 Average Daily Attendance figure. For school districts
14 maintaining grades 9 through 12, local property tax revenues
15 per pupil shall be the applicable equalized assessed valuation
16 of the district multiplied by 1.05%, and divided by the
17 district's Average Daily Attendance figure.

18 For partial elementary unit districts created pursuant to
19 Article 11E of this Code, local property tax revenues per pupil
20 shall be calculated as the product of the equalized assessed
21 valuation for property within the partial elementary unit
22 district for elementary purposes, as defined in Article 11E of
23 this Code, multiplied by 2.06% and divided by the district's
24 Average Daily Attendance figure, plus the product of the
25 equalized assessed valuation for property within the partial
26 elementary unit district for high school purposes, as defined

1 in Article 11E of this Code, multiplied by 0.94% and divided by
2 the district's Average Daily Attendance figure.

3 (4) The Corporate Personal Property Replacement Taxes paid
4 to each school district during the calendar year one year
5 before the calendar year in which a school year begins, divided
6 by the Average Daily Attendance figure for that district, shall
7 be added to the local property tax revenues per pupil as
8 derived by the application of the immediately preceding
9 paragraph (3). The sum of these per pupil figures for each
10 school district shall constitute Available Local Resources as
11 that term is utilized in subsection (E) in the calculation of
12 general State aid.

13 (E) Computation of General State Aid.

14 (1) For each school year, the amount of general State aid
15 allotted to a school district shall be computed by the State
16 Board of Education as provided in this subsection.

17 (2) For any school district for which Available Local
18 Resources per pupil is less than the product of 0.93 times the
19 Foundation Level, general State aid for that district shall be
20 calculated as an amount equal to the Foundation Level minus
21 Available Local Resources, multiplied by the Average Daily
22 Attendance of the school district.

23 (3) For any school district for which Available Local
24 Resources per pupil is equal to or greater than the product of
25 0.93 times the Foundation Level and less than the product of

1 1.75 times the Foundation Level, the general State aid per
2 pupil shall be a decimal proportion of the Foundation Level
3 derived using a linear algorithm. Under this linear algorithm,
4 the calculated general State aid per pupil shall decline in
5 direct linear fashion from 0.07 times the Foundation Level for
6 a school district with Available Local Resources equal to the
7 product of 0.93 times the Foundation Level, to 0.05 times the
8 Foundation Level for a school district with Available Local
9 Resources equal to the product of 1.75 times the Foundation
10 Level. The allocation of general State aid for school districts
11 subject to this paragraph 3 shall be the calculated general
12 State aid per pupil figure multiplied by the Average Daily
13 Attendance of the school district.

14 (4) For any school district for which Available Local
15 Resources per pupil equals or exceeds the product of 1.75 times
16 the Foundation Level, the general State aid for the school
17 district shall be calculated as the product of \$218 multiplied
18 by the Average Daily Attendance of the school district.

19 (5) The amount of general State aid allocated to a school
20 district for the 1999-2000 school year meeting the requirements
21 set forth in paragraph (4) of subsection (G) shall be increased
22 by an amount equal to the general State aid that would have
23 been received by the district for the 1998-1999 school year by
24 utilizing the Extension Limitation Equalized Assessed
25 Valuation as calculated in paragraph (4) of subsection (G) less
26 the general State aid allotted for the 1998-1999 school year.

1 This amount shall be deemed a one time increase, and shall not
2 affect any future general State aid allocations.

3 (F) Compilation of Average Daily Attendance.

4 (1) Each school district shall, by July 1 of each year,
5 submit to the State Board of Education, on forms prescribed by
6 the State Board of Education, attendance figures for the school
7 year that began in the preceding calendar year. The attendance
8 information so transmitted shall identify the average daily
9 attendance figures for each month of the school year. Beginning
10 with the general State aid claim form for the 2002-2003 school
11 year, districts shall calculate Average Daily Attendance as
12 provided in subdivisions (a), (b), and (c) of this paragraph
13 (1).

14 (a) In districts that do not hold year-round classes,
15 days of attendance in August shall be added to the month of
16 September and any days of attendance in June shall be added
17 to the month of May.

18 (b) In districts in which all buildings hold year-round
19 classes, days of attendance in July and August shall be
20 added to the month of September and any days of attendance
21 in June shall be added to the month of May.

22 (c) In districts in which some buildings, but not all,
23 hold year-round classes, for the non-year-round buildings,
24 days of attendance in August shall be added to the month of
25 September and any days of attendance in June shall be added

1 to the month of May. The average daily attendance for the
2 year-round buildings shall be computed as provided in
3 subdivision (b) of this paragraph (1). To calculate the
4 Average Daily Attendance for the district, the average
5 daily attendance for the year-round buildings shall be
6 multiplied by the days in session for the non-year-round
7 buildings for each month and added to the monthly
8 attendance of the non-year-round buildings.

9 Except as otherwise provided in this Section, days of
10 attendance by pupils shall be counted only for sessions of not
11 less than 5 clock hours of school work per day under direct
12 supervision of: (i) teachers, or (ii) non-teaching personnel or
13 volunteer personnel when engaging in non-teaching duties and
14 supervising in those instances specified in subsection (a) of
15 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils
16 of legal school age and in kindergarten and grades 1 through
17 12.

18 Days of attendance by tuition pupils shall be accredited
19 only to the districts that pay the tuition to a recognized
20 school.

21 (2) Days of attendance by pupils of less than 5 clock hours
22 of school shall be subject to the following provisions in the
23 compilation of Average Daily Attendance.

24 (a) Pupils regularly enrolled in a public school for
25 only a part of the school day may be counted on the basis
26 of 1/6 day for every class hour of instruction of 40

1 minutes or more attended pursuant to such enrollment,
2 unless a pupil is enrolled in a block-schedule format of 80
3 minutes or more of instruction, in which case the pupil may
4 be counted on the basis of the proportion of minutes of
5 school work completed each day to the minimum number of
6 minutes that school work is required to be held that day.

7 (b) (Blank).

8 (c) A session of 4 or more clock hours may be counted
9 as a day of attendance upon certification by the regional
10 superintendent, and approved by the State Superintendent
11 of Education to the extent that the district has been
12 forced to use daily multiple sessions.

13 (d) A session of 3 or more clock hours may be counted
14 as a day of attendance (1) when the remainder of the school
15 day or at least 2 hours in the evening of that day is
16 utilized for an in-service training program for teachers,
17 up to a maximum of 5 days per school year, provided a
18 district conducts an in-service training program for
19 teachers in accordance with Section 10-22.39 of this Code;
20 or, in lieu of 4 such days, 2 full days may be used, in
21 which event each such day may be counted as a day required
22 for a legal school calendar pursuant to Section 10-19 of
23 this Code; (1.5) when, of the 5 days allowed under item
24 (1), a maximum of 4 days are used for parent-teacher
25 conferences, or, in lieu of 4 such days, 2 full days are
26 used, in which case each such day may be counted as a

1 calendar day required under Section 10-19 of this Code,
2 provided that the full-day, parent-teacher conference
3 consists of (i) a minimum of 5 clock hours of
4 parent-teacher conferences, (ii) both a minimum of 2 clock
5 hours of parent-teacher conferences held in the evening
6 following a full day of student attendance, as specified in
7 subsection (F)(1)(c), and a minimum of 3 clock hours of
8 parent-teacher conferences held on the day immediately
9 following evening parent-teacher conferences, or (iii)
10 multiple parent-teacher conferences held in the evenings
11 following full days of student attendance, as specified in
12 subsection (F)(1)(c), in which the time used for the
13 parent-teacher conferences is equivalent to a minimum of 5
14 clock hours; and (2) when days in addition to those
15 provided in items (1) and (1.5) are scheduled by a school
16 pursuant to its school improvement plan adopted under
17 Article 34 or its revised or amended school improvement
18 plan adopted under Article 2, provided that (i) such
19 sessions of 3 or more clock hours are scheduled to occur at
20 regular intervals, (ii) the remainder of the school days in
21 which such sessions occur are utilized for in-service
22 training programs or other staff development activities
23 for teachers, and (iii) a sufficient number of minutes of
24 school work under the direct supervision of teachers are
25 added to the school days between such regularly scheduled
26 sessions to accumulate not less than the number of minutes

1 by which such sessions of 3 or more clock hours fall short
2 of 5 clock hours. Any full days used for the purposes of
3 this paragraph shall not be considered for computing
4 average daily attendance. Days scheduled for in-service
5 training programs, staff development activities, or
6 parent-teacher conferences may be scheduled separately for
7 different grade levels and different attendance centers of
8 the district.

9 (e) A session of not less than one clock hour of
10 teaching hospitalized or homebound pupils on-site or by
11 telephone to the classroom may be counted as 1/2 day of
12 attendance, however these pupils must receive 4 or more
13 clock hours of instruction to be counted for a full day of
14 attendance.

15 (f) A session of at least 4 clock hours may be counted
16 as a day of attendance for first grade pupils, and pupils
17 in full day kindergartens, and a session of 2 or more hours
18 may be counted as 1/2 day of attendance by pupils in
19 kindergartens which provide only 1/2 day of attendance.

20 (g) For children with disabilities who are below the
21 age of 6 years and who cannot attend 2 or more clock hours
22 because of their disability or immaturity, a session of not
23 less than one clock hour may be counted as 1/2 day of
24 attendance; however for such children whose educational
25 needs so require a session of 4 or more clock hours may be
26 counted as a full day of attendance.

1 (h) A recognized kindergarten which provides for only
2 1/2 day of attendance by each pupil shall not have more
3 than 1/2 day of attendance counted in any one day. However,
4 kindergartens may count 2 1/2 days of attendance in any 5
5 consecutive school days. When a pupil attends such a
6 kindergarten for 2 half days on any one school day, the
7 pupil shall have the following day as a day absent from
8 school, unless the school district obtains permission in
9 writing from the State Superintendent of Education.
10 Attendance at kindergartens which provide for a full day of
11 attendance by each pupil shall be counted the same as
12 attendance by first grade pupils. Only the first year of
13 attendance in one kindergarten shall be counted, except in
14 case of children who entered the kindergarten in their
15 fifth year whose educational development requires a second
16 year of kindergarten as determined under the rules and
17 regulations of the State Board of Education.

18 (i) On the days when the assessment that includes a
19 college and career ready determination is administered
20 under subsection (c) of Section 2-3.64a-5 of this Code, the
21 day of attendance for a pupil whose school day must be
22 shortened to accommodate required testing procedures may
23 be less than 5 clock hours and shall be counted towards the
24 176 days of actual pupil attendance required under Section
25 10-19 of this Code, provided that a sufficient number of
26 minutes of school work in excess of 5 clock hours are first

1 completed on other school days to compensate for the loss
2 of school work on the examination days.

3 (j) Pupils enrolled in a remote educational program
4 established under Section 10-29 of this Code may be counted
5 on the basis of one-fifth day of attendance for every clock
6 hour of instruction attended in the remote educational
7 program, provided that, in any month, the school district
8 may not claim for a student enrolled in a remote
9 educational program more days of attendance than the
10 maximum number of days of attendance the district can claim

11 (i) for students enrolled in a building holding year-round
12 classes if the student is classified as participating in
13 the remote educational program on a year-round schedule or
14 (ii) for students enrolled in a building not holding
15 year-round classes if the student is not classified as
16 participating in the remote educational program on a
17 year-round schedule.

18 (G) Equalized Assessed Valuation Data.

19 (1) For purposes of the calculation of Available Local
20 Resources required pursuant to subsection (D), the State Board
21 of Education shall secure from the Department of Revenue the
22 value as equalized or assessed by the Department of Revenue of
23 all taxable property of every school district, together with
24 (i) the applicable tax rate used in extending taxes for the
25 funds of the district as of September 30 of the previous year

1 and (ii) the limiting rate for all school districts subject to
2 property tax extension limitations as imposed under the
3 Property Tax Extension Limitation Law.

4 The Department of Revenue shall add to the equalized
5 assessed value of all taxable property of each school district
6 situated entirely or partially within a county that is or was
7 subject to the provisions of Section 15-176 or 15-177 of the
8 Property Tax Code (a) an amount equal to the total amount by
9 which the homestead exemption allowed under Section 15-176 or
10 15-177 of the Property Tax Code for real property situated in
11 that school district exceeds the total amount that would have
12 been allowed in that school district if the maximum reduction
13 under Section 15-176 was (i) \$4,500 in Cook County or \$3,500 in
14 all other counties in tax year 2003 or (ii) \$5,000 in all
15 counties in tax year 2004 and thereafter and (b) an amount
16 equal to the aggregate amount for the taxable year of all
17 additional exemptions under Section 15-175 of the Property Tax
18 Code for owners with a household income of \$30,000 or less. The
19 county clerk of any county that is or was subject to the
20 provisions of Section 15-176 or 15-177 of the Property Tax Code
21 shall annually calculate and certify to the Department of
22 Revenue for each school district all homestead exemption
23 amounts under Section 15-176 or 15-177 of the Property Tax Code
24 and all amounts of additional exemptions under Section 15-175
25 of the Property Tax Code for owners with a household income of
26 \$30,000 or less. It is the intent of this paragraph that if the

1 general homestead exemption for a parcel of property is
2 determined under Section 15-176 or 15-177 of the Property Tax
3 Code rather than Section 15-175, then the calculation of
4 Available Local Resources shall not be affected by the
5 difference, if any, between the amount of the general homestead
6 exemption allowed for that parcel of property under Section
7 15-176 or 15-177 of the Property Tax Code and the amount that
8 would have been allowed had the general homestead exemption for
9 that parcel of property been determined under Section 15-175 of
10 the Property Tax Code. It is further the intent of this
11 paragraph that if additional exemptions are allowed under
12 Section 15-175 of the Property Tax Code for owners with a
13 household income of less than \$30,000, then the calculation of
14 Available Local Resources shall not be affected by the
15 difference, if any, because of those additional exemptions.

16 This equalized assessed valuation, as adjusted further by
17 the requirements of this subsection, shall be utilized in the
18 calculation of Available Local Resources.

19 (2) The equalized assessed valuation in paragraph (1) shall
20 be adjusted, as applicable, in the following manner:

21 (a) For the purposes of calculating State aid under
22 this Section, with respect to any part of a school district
23 within a redevelopment project area in respect to which a
24 municipality has adopted tax increment allocation
25 financing pursuant to the Tax Increment Allocation
26 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11

1 of the Illinois Municipal Code or the Industrial Jobs
2 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the
3 Illinois Municipal Code, no part of the current equalized
4 assessed valuation of real property located in any such
5 project area which is attributable to an increase above the
6 total initial equalized assessed valuation of such
7 property shall be used as part of the equalized assessed
8 valuation of the district, until such time as all
9 redevelopment project costs have been paid, as provided in
10 Section 11-74.4-8 of the Tax Increment Allocation
11 Redevelopment Act or in Section 11-74.6-35 of the
12 Industrial Jobs Recovery Law. For the purpose of the
13 equalized assessed valuation of the district, the total
14 initial equalized assessed valuation or the current
15 equalized assessed valuation, whichever is lower, shall be
16 used until such time as all redevelopment project costs
17 have been paid.

18 (b) The real property equalized assessed valuation for
19 a school district shall be adjusted by subtracting from the
20 real property value as equalized or assessed by the
21 Department of Revenue for the district an amount computed
22 by dividing the amount of any abatement of taxes under
23 Section 18-170 of the Property Tax Code by 3.00% for a
24 district maintaining grades kindergarten through 12, by
25 2.30% for a district maintaining grades kindergarten
26 through 8, or by 1.05% for a district maintaining grades 9

1 through 12 and adjusted by an amount computed by dividing
2 the amount of any abatement of taxes under subsection (a)
3 of Section 18-165 of the Property Tax Code by the same
4 percentage rates for district type as specified in this
5 subparagraph (b).

6 (3) For the 1999-2000 school year and each school year
7 thereafter, if a school district meets all of the criteria of
8 this subsection (G)(3), the school district's Available Local
9 Resources shall be calculated under subsection (D) using the
10 district's Extension Limitation Equalized Assessed Valuation
11 as calculated under this subsection (G)(3).

12 For purposes of this subsection (G)(3) the following terms
13 shall have the following meanings:

14 "Budget Year": The school year for which general State
15 aid is calculated and awarded under subsection (E).

16 "Base Tax Year": The property tax levy year used to
17 calculate the Budget Year allocation of general State aid.

18 "Preceding Tax Year": The property tax levy year
19 immediately preceding the Base Tax Year.

20 "Base Tax Year's Tax Extension": The product of the
21 equalized assessed valuation utilized by the County Clerk
22 in the Base Tax Year multiplied by the limiting rate as
23 calculated by the County Clerk and defined in the Property
24 Tax Extension Limitation Law.

25 "Preceding Tax Year's Tax Extension": The product of
26 the equalized assessed valuation utilized by the County

1 Clerk in the Preceding Tax Year multiplied by the Operating
2 Tax Rate as defined in subsection (A).

3 "Extension Limitation Ratio": A numerical ratio,
4 certified by the County Clerk, in which the numerator is
5 the Base Tax Year's Tax Extension and the denominator is
6 the Preceding Tax Year's Tax Extension.

7 "Operating Tax Rate": The operating tax rate as defined
8 in subsection (A).

9 If a school district is subject to property tax extension
10 limitations as imposed under the Property Tax Extension
11 Limitation Law, the State Board of Education shall calculate
12 the Extension Limitation Equalized Assessed Valuation of that
13 district. For the 1999-2000 school year, the Extension
14 Limitation Equalized Assessed Valuation of a school district as
15 calculated by the State Board of Education shall be equal to
16 the product of the district's 1996 Equalized Assessed Valuation
17 and the district's Extension Limitation Ratio. Except as
18 otherwise provided in this paragraph for a school district that
19 has approved or does approve an increase in its limiting rate,
20 for the 2000-2001 school year and each school year thereafter,
21 the Extension Limitation Equalized Assessed Valuation of a
22 school district as calculated by the State Board of Education
23 shall be equal to the product of the Equalized Assessed
24 Valuation last used in the calculation of general State aid and
25 the district's Extension Limitation Ratio. If the Extension
26 Limitation Equalized Assessed Valuation of a school district as

1 calculated under this subsection (G)(3) is less than the
2 district's equalized assessed valuation as calculated pursuant
3 to subsections (G)(1) and (G)(2), then for purposes of
4 calculating the district's general State aid for the Budget
5 Year pursuant to subsection (E), that Extension Limitation
6 Equalized Assessed Valuation shall be utilized to calculate the
7 district's Available Local Resources under subsection (D). For
8 the 2009-2010 school year and each school year thereafter, if a
9 school district has approved or does approve an increase in its
10 limiting rate, pursuant to Section 18-190 of the Property Tax
11 Code, affecting the Base Tax Year, the Extension Limitation
12 Equalized Assessed Valuation of the school district, as
13 calculated by the State Board of Education, shall be equal to
14 the product of the Equalized Assessed Valuation last used in
15 the calculation of general State aid times an amount equal to
16 one plus the percentage increase, if any, in the Consumer Price
17 Index for all Urban Consumers for all items published by the
18 United States Department of Labor for the 12-month calendar
19 year preceding the Base Tax Year, plus the Equalized Assessed
20 Valuation of new property, annexed property, and recovered tax
21 increment value and minus the Equalized Assessed Valuation of
22 disconnected property. New property and recovered tax
23 increment value shall have the meanings set forth in the
24 Property Tax Extension Limitation Law.

25 Partial elementary unit districts created in accordance
26 with Article 11E of this Code shall not be eligible for the

1 adjustment in this subsection (G)(3) until the fifth year
2 following the effective date of the reorganization.

3 (3.5) For the 2010-2011 school year and each school year
4 thereafter, if a school district's boundaries span multiple
5 counties, then the Department of Revenue shall send to the
6 State Board of Education, for the purpose of calculating
7 general State aid, the limiting rate and individual rates by
8 purpose for the county that contains the majority of the school
9 district's Equalized Assessed Valuation.

10 (4) For the purposes of calculating general State aid for
11 the 1999-2000 school year only, if a school district
12 experienced a triennial reassessment on the equalized assessed
13 valuation used in calculating its general State financial aid
14 apportionment for the 1998-1999 school year, the State Board of
15 Education shall calculate the Extension Limitation Equalized
16 Assessed Valuation that would have been used to calculate the
17 district's 1998-1999 general State aid. This amount shall equal
18 the product of the equalized assessed valuation used to
19 calculate general State aid for the 1997-1998 school year and
20 the district's Extension Limitation Ratio. If the Extension
21 Limitation Equalized Assessed Valuation of the school district
22 as calculated under this paragraph (4) is less than the
23 district's equalized assessed valuation utilized in
24 calculating the district's 1998-1999 general State aid
25 allocation, then for purposes of calculating the district's
26 general State aid pursuant to paragraph (5) of subsection (E),

1 that Extension Limitation Equalized Assessed Valuation shall
2 be utilized to calculate the district's Available Local
3 Resources.

4 (5) For school districts having a majority of their
5 equalized assessed valuation in any county except Cook, DuPage,
6 Kane, Lake, McHenry, or Will, if the amount of general State
7 aid allocated to the school district for the 1999-2000 school
8 year under the provisions of subsection (E), (H), and (J) of
9 this Section is less than the amount of general State aid
10 allocated to the district for the 1998-1999 school year under
11 these subsections, then the general State aid of the district
12 for the 1999-2000 school year only shall be increased by the
13 difference between these amounts. The total payments made under
14 this paragraph (5) shall not exceed \$14,000,000. Claims shall
15 be prorated if they exceed \$14,000,000.

16 (H) Supplemental General State Aid.

17 (1) In addition to the general State aid a school district
18 is allotted pursuant to subsection (E), qualifying school
19 districts shall receive a grant, paid in conjunction with a
20 district's payments of general State aid, for supplemental
21 general State aid based upon the concentration level of
22 children from low-income households within the school
23 district. Supplemental State aid grants provided for school
24 districts under this subsection shall be appropriated for
25 distribution to school districts as part of the same line item

1 in which the general State financial aid of school districts is
2 appropriated under this Section.

3 (1.5) This paragraph (1.5) applies only to those school
4 years preceding the 2003-2004 school year. For purposes of this
5 subsection (H), the term "Low-Income Concentration Level"
6 shall be the low-income eligible pupil count from the most
7 recently available federal census divided by the Average Daily
8 Attendance of the school district. If, however, (i) the
9 percentage decrease from the 2 most recent federal censuses in
10 the low-income eligible pupil count of a high school district
11 with fewer than 400 students exceeds by 75% or more the
12 percentage change in the total low-income eligible pupil count
13 of contiguous elementary school districts, whose boundaries
14 are coterminous with the high school district, or (ii) a high
15 school district within 2 counties and serving 5 elementary
16 school districts, whose boundaries are coterminous with the
17 high school district, has a percentage decrease from the 2 most
18 recent federal censuses in the low-income eligible pupil count
19 and there is a percentage increase in the total low-income
20 eligible pupil count of a majority of the elementary school
21 districts in excess of 50% from the 2 most recent federal
22 censuses, then the high school district's low-income eligible
23 pupil count from the earlier federal census shall be the number
24 used as the low-income eligible pupil count for the high school
25 district, for purposes of this subsection (H). The changes made
26 to this paragraph (1) by Public Act 92-28 shall apply to

1 supplemental general State aid grants for school years
2 preceding the 2003-2004 school year that are paid in fiscal
3 year 1999 or thereafter and to any State aid payments made in
4 fiscal year 1994 through fiscal year 1998 pursuant to
5 subsection 1(n) of Section 18-8 of this Code (which was
6 repealed on July 1, 1998), and any high school district that is
7 affected by Public Act 92-28 is entitled to a recomputation of
8 its supplemental general State aid grant or State aid paid in
9 any of those fiscal years. This recomputation shall not be
10 affected by any other funding.

11 (1.10) This paragraph (1.10) applies to the 2003-2004
12 school year and each school year thereafter. For purposes of
13 this subsection (H), the term "Low-Income Concentration Level"
14 shall, for each fiscal year, be the low-income eligible pupil
15 count as of July 1 of the immediately preceding fiscal year (as
16 determined by the Department of Human Services based on the
17 number of pupils who are eligible for at least one of the
18 following low income programs: Medicaid, the Children's Health
19 Insurance Program, TANF, or Food Stamps, excluding pupils who
20 are eligible for services provided by the Department of
21 Children and Family Services, averaged over the 2 immediately
22 preceding fiscal years for fiscal year 2004 and over the 3
23 immediately preceding fiscal years for each fiscal year
24 thereafter) divided by the Average Daily Attendance of the
25 school district.

26 (2) Supplemental general State aid pursuant to this

1 subsection (H) shall be provided as follows for the 1998-1999,
2 1999-2000, and 2000-2001 school years only:

3 (a) For any school district with a Low Income
4 Concentration Level of at least 20% and less than 35%, the
5 grant for any school year shall be \$800 multiplied by the
6 low income eligible pupil count.

7 (b) For any school district with a Low Income
8 Concentration Level of at least 35% and less than 50%, the
9 grant for the 1998-1999 school year shall be \$1,100
10 multiplied by the low income eligible pupil count.

11 (c) For any school district with a Low Income
12 Concentration Level of at least 50% and less than 60%, the
13 grant for the 1998-99 school year shall be \$1,500
14 multiplied by the low income eligible pupil count.

15 (d) For any school district with a Low Income
16 Concentration Level of 60% or more, the grant for the
17 1998-99 school year shall be \$1,900 multiplied by the low
18 income eligible pupil count.

19 (e) For the 1999-2000 school year, the per pupil amount
20 specified in subparagraphs (b), (c), and (d) immediately
21 above shall be increased to \$1,243, \$1,600, and \$2,000,
22 respectively.

23 (f) For the 2000-2001 school year, the per pupil
24 amounts specified in subparagraphs (b), (c), and (d)
25 immediately above shall be \$1,273, \$1,640, and \$2,050,
26 respectively.

1 (2.5) Supplemental general State aid pursuant to this
2 subsection (H) shall be provided as follows for the 2002-2003
3 school year:

4 (a) For any school district with a Low Income
5 Concentration Level of less than 10%, the grant for each
6 school year shall be \$355 multiplied by the low income
7 eligible pupil count.

8 (b) For any school district with a Low Income
9 Concentration Level of at least 10% and less than 20%, the
10 grant for each school year shall be \$675 multiplied by the
11 low income eligible pupil count.

12 (c) For any school district with a Low Income
13 Concentration Level of at least 20% and less than 35%, the
14 grant for each school year shall be \$1,330 multiplied by
15 the low income eligible pupil count.

16 (d) For any school district with a Low Income
17 Concentration Level of at least 35% and less than 50%, the
18 grant for each school year shall be \$1,362 multiplied by
19 the low income eligible pupil count.

20 (e) For any school district with a Low Income
21 Concentration Level of at least 50% and less than 60%, the
22 grant for each school year shall be \$1,680 multiplied by
23 the low income eligible pupil count.

24 (f) For any school district with a Low Income
25 Concentration Level of 60% or more, the grant for each
26 school year shall be \$2,080 multiplied by the low income

1 eligible pupil count.

2 (2.10) Except as otherwise provided, supplemental general
3 State aid pursuant to this subsection (H) shall be provided as
4 follows for the 2003-2004 school year and each school year
5 thereafter:

6 (a) For any school district with a Low Income
7 Concentration Level of 15% or less, the grant for each
8 school year shall be \$355 multiplied by the low income
9 eligible pupil count.

10 (b) For any school district with a Low Income
11 Concentration Level greater than 15%, the grant for each
12 school year shall be \$294.25 added to the product of \$2,700
13 and the square of the Low Income Concentration Level, all
14 multiplied by the low income eligible pupil count.

15 For the 2003-2004 school year and each school year
16 thereafter through the 2008-2009 school year only, the grant
17 shall be no less than the grant for the 2002-2003 school year.
18 For the 2009-2010 school year only, the grant shall be no less
19 than the grant for the 2002-2003 school year multiplied by
20 0.66. For the 2010-2011 school year only, the grant shall be no
21 less than the grant for the 2002-2003 school year multiplied by
22 0.33. Notwithstanding the provisions of this paragraph to the
23 contrary, if for any school year supplemental general State aid
24 grants are prorated as provided in paragraph (1) of this
25 subsection (H), then the grants under this paragraph shall be
26 prorated.

1 For the 2003-2004 school year only, the grant shall be no
2 greater than the grant received during the 2002-2003 school
3 year added to the product of 0.25 multiplied by the difference
4 between the grant amount calculated under subsection (a) or (b)
5 of this paragraph (2.10), whichever is applicable, and the
6 grant received during the 2002-2003 school year. For the
7 2004-2005 school year only, the grant shall be no greater than
8 the grant received during the 2002-2003 school year added to
9 the product of 0.50 multiplied by the difference between the
10 grant amount calculated under subsection (a) or (b) of this
11 paragraph (2.10), whichever is applicable, and the grant
12 received during the 2002-2003 school year. For the 2005-2006
13 school year only, the grant shall be no greater than the grant
14 received during the 2002-2003 school year added to the product
15 of 0.75 multiplied by the difference between the grant amount
16 calculated under subsection (a) or (b) of this paragraph
17 (2.10), whichever is applicable, and the grant received during
18 the 2002-2003 school year.

19 (3) School districts with an Average Daily Attendance of
20 more than 1,000 and less than 50,000 that qualify for
21 supplemental general State aid pursuant to this subsection
22 shall submit a plan to the State Board of Education prior to
23 October 30 of each year for the use of the funds resulting from
24 this grant of supplemental general State aid for the
25 improvement of instruction in which priority is given to
26 meeting the education needs of disadvantaged children. Such

1 plan shall be submitted in accordance with rules and
2 regulations promulgated by the State Board of Education.

3 (4) School districts with an Average Daily Attendance of
4 50,000 or more that qualify for supplemental general State aid
5 pursuant to this subsection shall be required to distribute
6 from funds available pursuant to this Section, no less than
7 \$261,000,000 in accordance with the following requirements:

8 (a) The required amounts shall be distributed to the
9 attendance centers within the district in proportion to the
10 number of pupils enrolled at each attendance center who are
11 eligible to receive free or reduced-price lunches or
12 breakfasts under the federal Child Nutrition Act of 1966
13 and under the National School Lunch Act during the
14 immediately preceding school year.

15 (b) The distribution of these portions of supplemental
16 and general State aid among attendance centers according to
17 these requirements shall not be compensated for or
18 contravened by adjustments of the total of other funds
19 appropriated to any attendance centers, and the Board of
20 Education shall utilize funding from one or several sources
21 in order to fully implement this provision annually prior
22 to the opening of school.

23 (c) Each attendance center shall be provided by the
24 school district a distribution of noncategorical funds and
25 other categorical funds to which an attendance center is
26 entitled under law in order that the general State aid and

1 supplemental general State aid provided by application of
2 this subsection supplements rather than supplants the
3 noncategorical funds and other categorical funds provided
4 by the school district to the attendance centers.

5 (d) Any funds made available under this subsection that
6 by reason of the provisions of this subsection are not
7 required to be allocated and provided to attendance centers
8 may be used and appropriated by the board of the district
9 for any lawful school purpose.

10 (e) Funds received by an attendance center pursuant to
11 this subsection shall be used by the attendance center at
12 the discretion of the principal and local school council
13 for programs to improve educational opportunities at
14 qualifying schools through the following programs and
15 services: early childhood education, reduced class size or
16 improved adult to student classroom ratio, enrichment
17 programs, remedial assistance, attendance improvement, and
18 other educationally beneficial expenditures which
19 supplement the regular and basic programs as determined by
20 the State Board of Education. Funds provided shall not be
21 expended for any political or lobbying purposes as defined
22 by board rule.

23 (f) Each district subject to the provisions of this
24 subdivision (H) (4) shall submit an acceptable plan to meet
25 the educational needs of disadvantaged children, in
26 compliance with the requirements of this paragraph, to the

1 State Board of Education prior to July 15 of each year.
2 This plan shall be consistent with the decisions of local
3 school councils concerning the school expenditure plans
4 developed in accordance with part 4 of Section 34-2.3. The
5 State Board shall approve or reject the plan within 60 days
6 after its submission. If the plan is rejected, the district
7 shall give written notice of intent to modify the plan
8 within 15 days of the notification of rejection and then
9 submit a modified plan within 30 days after the date of the
10 written notice of intent to modify. Districts may amend
11 approved plans pursuant to rules promulgated by the State
12 Board of Education.

13 Upon notification by the State Board of Education that
14 the district has not submitted a plan prior to July 15 or a
15 modified plan within the time period specified herein, the
16 State aid funds affected by that plan or modified plan
17 shall be withheld by the State Board of Education until a
18 plan or modified plan is submitted.

19 If the district fails to distribute State aid to
20 attendance centers in accordance with an approved plan, the
21 plan for the following year shall allocate funds, in
22 addition to the funds otherwise required by this
23 subsection, to those attendance centers which were
24 underfunded during the previous year in amounts equal to
25 such underfunding.

26 For purposes of determining compliance with this

1 subsection in relation to the requirements of attendance
2 center funding, each district subject to the provisions of
3 this subsection shall submit as a separate document by
4 December 1 of each year a report of expenditure data for
5 the prior year in addition to any modification of its
6 current plan. If it is determined that there has been a
7 failure to comply with the expenditure provisions of this
8 subsection regarding contravention or supplanting, the
9 State Superintendent of Education shall, within 60 days of
10 receipt of the report, notify the district and any affected
11 local school council. The district shall within 45 days of
12 receipt of that notification inform the State
13 Superintendent of Education of the remedial or corrective
14 action to be taken, whether by amendment of the current
15 plan, if feasible, or by adjustment in the plan for the
16 following year. Failure to provide the expenditure report
17 or the notification of remedial or corrective action in a
18 timely manner shall result in a withholding of the affected
19 funds.

20 The State Board of Education shall promulgate rules and
21 regulations to implement the provisions of this
22 subsection. No funds shall be released under this
23 subdivision (H) (4) to any district that has not submitted a
24 plan that has been approved by the State Board of
25 Education.

1 (I) (Blank).

2 (J) (Blank).

3 (K) Grants to Laboratory and Alternative Schools.

4 In calculating the amount to be paid to the governing board
5 of a public university that operates a laboratory school under
6 this Section or to any alternative school that is operated by a
7 regional superintendent of schools, the State Board of
8 Education shall require by rule such reporting requirements as
9 it deems necessary.

10 As used in this Section, "laboratory school" means a public
11 school which is created and operated by a public university and
12 approved by the State Board of Education. The governing board
13 of a public university which receives funds from the State
14 Board under this subsection (K) may not increase the number of
15 students enrolled in its laboratory school from a single
16 district, if that district is already sending 50 or more
17 students, except under a mutual agreement between the school
18 board of a student's district of residence and the university
19 which operates the laboratory school. A laboratory school may
20 not have more than 1,000 students, excluding students with
21 disabilities in a special education program.

22 As used in this Section, "alternative school" means a
23 public school which is created and operated by a Regional
24 Superintendent of Schools and approved by the State Board of

1 Education. Such alternative schools may offer courses of
2 instruction for which credit is given in regular school
3 programs, courses to prepare students for the high school
4 equivalency testing program or vocational and occupational
5 training. A regional superintendent of schools may contract
6 with a school district or a public community college district
7 to operate an alternative school. An alternative school serving
8 more than one educational service region may be established by
9 the regional superintendents of schools of the affected
10 educational service regions. An alternative school serving
11 more than one educational service region may be operated under
12 such terms as the regional superintendents of schools of those
13 educational service regions may agree.

14 Each laboratory and alternative school shall file, on forms
15 provided by the State Superintendent of Education, an annual
16 State aid claim which states the Average Daily Attendance of
17 the school's students by month. The best 3 months' Average
18 Daily Attendance shall be computed for each school. The general
19 State aid entitlement shall be computed by multiplying the
20 applicable Average Daily Attendance by the Foundation Level as
21 determined under this Section.

22 (L) Payments, Additional Grants in Aid and Other Requirements.

23 (1) For a school district operating under the financial
24 supervision of an Authority created under Article 34A, the
25 general State aid otherwise payable to that district under this

1 Section, but not the supplemental general State aid, shall be
2 reduced by an amount equal to the budget for the operations of
3 the Authority as certified by the Authority to the State Board
4 of Education, and an amount equal to such reduction shall be
5 paid to the Authority created for such district for its
6 operating expenses in the manner provided in Section 18-11. The
7 remainder of general State school aid for any such district
8 shall be paid in accordance with Article 34A when that Article
9 provides for a disposition other than that provided by this
10 Article.

11 (2) (Blank).

12 (3) Summer school. Summer school payments shall be made as
13 provided in Section 18-4.3.

14 (M) Education Funding Advisory Board.

15 The Education Funding Advisory Board, hereinafter in this
16 subsection (M) referred to as the "Board", is hereby created.
17 The Board shall consist of 5 members who are appointed by the
18 Governor, by and with the advice and consent of the Senate. The
19 members appointed shall include representatives of education,
20 business, and the general public. One of the members so
21 appointed shall be designated by the Governor at the time the
22 appointment is made as the chairperson of the Board. The
23 initial members of the Board may be appointed any time after
24 the effective date of this amendatory Act of 1997. The regular
25 term of each member of the Board shall be for 4 years from the

1 third Monday of January of the year in which the term of the
2 member's appointment is to commence, except that of the 5
3 initial members appointed to serve on the Board, the member who
4 is appointed as the chairperson shall serve for a term that
5 commences on the date of his or her appointment and expires on
6 the third Monday of January, 2002, and the remaining 4 members,
7 by lots drawn at the first meeting of the Board that is held
8 after all 5 members are appointed, shall determine 2 of their
9 number to serve for terms that commence on the date of their
10 respective appointments and expire on the third Monday of
11 January, 2001, and 2 of their number to serve for terms that
12 commence on the date of their respective appointments and
13 expire on the third Monday of January, 2000. All members
14 appointed to serve on the Board shall serve until their
15 respective successors are appointed and confirmed. Vacancies
16 shall be filled in the same manner as original appointments. If
17 a vacancy in membership occurs at a time when the Senate is not
18 in session, the Governor shall make a temporary appointment
19 until the next meeting of the Senate, when he or she shall
20 appoint, by and with the advice and consent of the Senate, a
21 person to fill that membership for the unexpired term. If the
22 Senate is not in session when the initial appointments are
23 made, those appointments shall be made as in the case of
24 vacancies.

25 The Education Funding Advisory Board shall be deemed
26 established, and the initial members appointed by the Governor

1 to serve as members of the Board shall take office, on the date
2 that the Governor makes his or her appointment of the fifth
3 initial member of the Board, whether those initial members are
4 then serving pursuant to appointment and confirmation or
5 pursuant to temporary appointments that are made by the
6 Governor as in the case of vacancies.

7 The State Board of Education shall provide such staff
8 assistance to the Education Funding Advisory Board as is
9 reasonably required for the proper performance by the Board of
10 its responsibilities.

11 For school years after the 2000-2001 school year, the
12 Education Funding Advisory Board, in consultation with the
13 State Board of Education, shall make recommendations as
14 provided in this subsection (M) to the General Assembly for the
15 foundation level under subdivision (B)(3) of this Section and
16 for the supplemental general State aid grant level under
17 subsection (H) of this Section for districts with high
18 concentrations of children from poverty. The recommended
19 foundation level shall be determined based on a methodology
20 which incorporates the basic education expenditures of
21 low-spending schools exhibiting high academic performance. The
22 Education Funding Advisory Board shall make such
23 recommendations to the General Assembly on January 1 of odd
24 numbered years, beginning January 1, 2001.

25 (N) (Blank).

1 (O) References.

2 (1) References in other laws to the various subdivisions of
3 Section 18-8 as that Section existed before its repeal and
4 replacement by this Section 18-8.05 shall be deemed to refer to
5 the corresponding provisions of this Section 18-8.05, to the
6 extent that those references remain applicable.

7 (2) References in other laws to State Chapter 1 funds shall
8 be deemed to refer to the supplemental general State aid
9 provided under subsection (H) of this Section.

10 (P) Public Act 93-838 and Public Act 93-808 make inconsistent
11 changes to this Section. Under Section 6 of the Statute on
12 Statutes there is an irreconcilable conflict between Public Act
13 93-808 and Public Act 93-838. Public Act 93-838, being the last
14 acted upon, is controlling. The text of Public Act 93-838 is
15 the law regardless of the text of Public Act 93-808.

16 (Q) State Fiscal Year 2015 Payments.

17 For payments made for State fiscal year 2015, the State
18 Board of Education shall, for each school district, calculate
19 that district's pro-rata share of a minimum sum of \$13,600,000
20 or additional amount as needed from the total net General State
21 Aid funding as calculated under this Section that shall be
22 deemed attributable to the provision of special educational
23 facilities and services, as defined in Section 14-1.08 of this

1 Code, in a manner that ensures compliance with maintenance of
2 State financial support requirements under the federal
3 Individuals with Disabilities Education Act. Each school
4 district must use such funds only for the provision of special
5 educational facilities and services, as defined in Section
6 14-1.08 of this Code, and must comply with any expenditure
7 verification procedures adopted by the State Board of
8 Education.

9 (Source: P.A. 97-339, eff. 8-12-11; 97-351, eff. 8-12-11;
10 97-742, eff. 6-30-13; 97-813, eff. 7-13-12; 98-972, eff.
11 8-15-14.)

12 Section 25. The Illinois Public Aid Code is amended by
13 adding Section 5-5b.1 and by changing Sections 5-5e, 5A-2,
14 5A-10, and 14-12 as follows:

15 (305 ILCS 5/5-5b.1 new)

16 Sec. 5-5b.1. Reimbursement rates; Fiscal Year 2015
17 reductions.

18 (a) Except as provided in subsection (b), notwithstanding
19 any other provision of this Code to the contrary, and subject
20 to rescission if not federally approved, providers of the
21 following services shall have their reimbursement rates or
22 dispensing fees reduced for the remainder of State fiscal year
23 2015 by an amount equivalent to a 2.25% reduction in
24 appropriations from the General Revenue Fund for the medical

1 assistance program for the full fiscal year:

2 (1) Nursing facility services delivered by a nursing
3 facility licensed under the Nursing Home Care Act.

4 (2) Home health services.

5 (3) Services delivered by a facility designated as a
6 Children's Habilitation Center.

7 (4) Services delivered by a supportive living facility
8 as defined in Section 5-5.01a.

9 (5) Services delivered by a specialized mental health
10 rehabilitation facility licensed under the Specialized
11 Mental Health Rehabilitation Act of 2013.

12 (6) Ambulance services.

13 (7) Pharmacy services.

14 (8) Services delivered by a federally qualified health
15 center as defined in Section 1905 (1) (2) (B) of the federal
16 Social Security Act.

17 (9) Services delivered by a Managed Care Entity, with
18 the exception of the rate paid to Managed Care Entities for
19 services attributed to hospitals.

20 (10) Services for the treatment of hemophilia.

21 (11) Primary care physician services.

22 (12) Dental services.

23 (13) Optometric services.

24 (14) Podiatry services.

25 (15) Hospice care, including routine home care,
26 continuous home care, inpatient respite care, and general

1 inpatient care.

2 (16) Laboratory services or services provided by
3 independent laboratories.

4 (17) Durable medical equipment and supplies.

5 (18) Renal dialysis services.

6 (19) Birth Center Services.

7 (20) Emergency services other than those offered by or
8 in a hospital.

9 (b) No provider shall be exempt from the rate reductions
10 authorized under this Section, except that, rates or payments,
11 or the portion thereof, paid to a provider that is operated by
12 a unit of local government that provides the non-federal share
13 of such services shall not be reduced as provided in this
14 Section.

15 (c) To the extent practical and subject to rescission if
16 not federally approved, the reductions required under this
17 Section must be applied uniformly among and within each group,
18 class, subgroup, or category of providers listed in this
19 Section.

20 (d) In order to provide for the expeditious and timely
21 implementation of the provisions of this Section, emergency
22 rules to implement any provision of this Section may be adopted
23 by the Department in accordance with subsection (s) of Section
24 5-45 of the Illinois Administrative Procedure Act.

1 (Text of Section before amendment by P.A. 98-1166)

2 Sec. 5-5e. Adjusted rates of reimbursement.

3 (a) Rates or payments for services in effect on June 30,
4 2012 shall be adjusted and services shall be affected as
5 required by any other provision of this amendatory Act of the
6 97th General Assembly. In addition, the Department shall do the
7 following:

8 (1) Delink the per diem rate paid for supportive living
9 facility services from the per diem rate paid for nursing
10 facility services, effective for services provided on or
11 after May 1, 2011.

12 (2) Cease payment for bed reserves in nursing
13 facilities and specialized mental health rehabilitation
14 facilities.

15 (2.5) Cease payment for bed reserves for purposes of
16 inpatient hospitalizations to intermediate care facilities
17 for persons with development disabilities, except in the
18 instance of residents who are under 21 years of age.

19 (3) Cease payment of the \$10 per day add-on payment to
20 nursing facilities for certain residents with
21 developmental disabilities.

22 (b) After the application of subsection (a),
23 notwithstanding any other provision of this Code to the
24 contrary and to the extent permitted by federal law, on and
25 after July 1, 2012, the rates of reimbursement for services and
26 other payments provided under this Code shall further be

1 reduced as follows:

2 (1) Rates or payments for physician services, dental
3 services, or community health center services reimbursed
4 through an encounter rate, and services provided under the
5 Medicaid Rehabilitation Option of the Illinois Title XIX
6 State Plan shall not be further reduced, except as provided
7 in Section 5-5b.1.

8 (2) Rates or payments, or the portion thereof, paid to
9 a provider that is operated by a unit of local government
10 or State University that provides the non-federal share of
11 such services shall not be further reduced, except as
12 provided in Section 5-5b.1.

13 (3) Rates or payments for hospital services delivered
14 by a hospital defined as a Safety-Net Hospital under
15 Section 5-5e.1 of this Code shall not be further reduced,
16 except as provided in Section 5-5b.1.

17 (4) Rates or payments for hospital services delivered
18 by a Critical Access Hospital, which is an Illinois
19 hospital designated as a critical care hospital by the
20 Department of Public Health in accordance with 42 CFR 485,
21 Subpart F, shall not be further reduced, except as provided
22 in Section 5-5b.1.

23 (5) Rates or payments for Nursing Facility Services
24 shall only be further adjusted pursuant to Section 5-5.2 of
25 this Code.

26 (6) Rates or payments for services delivered by long

1 term care facilities licensed under the ID/DD Community
2 Care Act and developmental training services shall not be
3 further reduced.

4 (7) Rates or payments for services provided under
5 capitation rates shall be adjusted taking into
6 consideration the rates reduction and covered services
7 required by this amendatory Act of the 97th General
8 Assembly.

9 (8) For hospitals not previously described in this
10 subsection, the rates or payments for hospital services
11 shall be further reduced by 3.5%, except for payments
12 authorized under Section 5A-12.4 of this Code.

13 (9) For all other rates or payments for services
14 delivered by providers not specifically referenced in
15 paragraphs (1) through (8), rates or payments shall be
16 further reduced by 2.7%.

17 (c) Any assessment imposed by this Code shall continue and
18 nothing in this Section shall be construed to cause it to
19 cease.

20 (d) Notwithstanding any other provision of this Code to the
21 contrary, subject to federal approval under Title XIX of the
22 Social Security Act, for dates of service on and after July 1,
23 2014, rates or payments for services provided for the purpose
24 of transitioning children from a hospital to home placement or
25 other appropriate setting by a children's community-based
26 health care center authorized under the Alternative Health Care

1 Delivery Act shall be \$683 per day.

2 (e) Notwithstanding any other provision of this Code to the
3 contrary, subject to federal approval under Title XIX of the
4 Social Security Act, for dates of service on and after July 1,
5 2014, rates or payments for home health visits shall be \$72.

6 (f) Notwithstanding any other provision of this Code to the
7 contrary, subject to federal approval under Title XIX of the
8 Social Security Act, for dates of service on and after July 1,
9 2014, rates or payments for the certified nursing assistant
10 component of the home health agency rate shall be \$20.

11 (Source: P.A. 97-689, eff. 6-14-12; 98-104, eff. 7-22-13;
12 98-651, eff. 6-16-14.)

13 (Text of Section after amendment by P.A. 98-1166)

14 Sec. 5-5e. Adjusted rates of reimbursement.

15 (a) Rates or payments for services in effect on June 30,
16 2012 shall be adjusted and services shall be affected as
17 required by any other provision of this amendatory Act of the
18 97th General Assembly. In addition, the Department shall do the
19 following:

20 (1) Delink the per diem rate paid for supportive living
21 facility services from the per diem rate paid for nursing
22 facility services, effective for services provided on or
23 after May 1, 2011.

24 (2) Cease payment for bed reserves in nursing
25 facilities and specialized mental health rehabilitation

1 facilities; for purposes of therapeutic home visits for
2 individuals scoring as TBI on the MDS 3.0, beginning June
3 1, 2015, the Department shall approve payments for bed
4 reserves in nursing facilities and specialized mental
5 health rehabilitation facilities that have at least a 90%
6 occupancy level and at least 80% of their residents are
7 Medicaid eligible. Payment shall be at a daily rate of 75%
8 of an individual's current Medicaid per diem and shall not
9 exceed 10 days in a calendar month.

10 (2.5) Cease payment for bed reserves for purposes of
11 inpatient hospitalizations to intermediate care facilities
12 for persons with development disabilities, except in the
13 instance of residents who are under 21 years of age.

14 (3) Cease payment of the \$10 per day add-on payment to
15 nursing facilities for certain residents with
16 developmental disabilities.

17 (b) After the application of subsection (a),
18 notwithstanding any other provision of this Code to the
19 contrary and to the extent permitted by federal law, on and
20 after July 1, 2012, the rates of reimbursement for services and
21 other payments provided under this Code shall further be
22 reduced as follows:

23 (1) Rates or payments for physician services, dental
24 services, or community health center services reimbursed
25 through an encounter rate, and services provided under the
26 Medicaid Rehabilitation Option of the Illinois Title XIX

1 State Plan shall not be further reduced, except as provided
2 in Section 5-5b.1.

3 (2) Rates or payments, or the portion thereof, paid to
4 a provider that is operated by a unit of local government
5 or State University that provides the non-federal share of
6 such services shall not be further reduced, except as
7 provided in Section 5-5b.1.

8 (3) Rates or payments for hospital services delivered
9 by a hospital defined as a Safety-Net Hospital under
10 Section 5-5e.1 of this Code shall not be further reduced,
11 except as provided in Section 5-5b.1.

12 (4) Rates or payments for hospital services delivered
13 by a Critical Access Hospital, which is an Illinois
14 hospital designated as a critical care hospital by the
15 Department of Public Health in accordance with 42 CFR 485,
16 Subpart F, shall not be further reduced, except as provided
17 in Section 5-5b.1.

18 (5) Rates or payments for Nursing Facility Services
19 shall only be further adjusted pursuant to Section 5-5.2 of
20 this Code.

21 (6) Rates or payments for services delivered by long
22 term care facilities licensed under the ID/DD Community
23 Care Act and developmental training services shall not be
24 further reduced.

25 (7) Rates or payments for services provided under
26 capitation rates shall be adjusted taking into

1 consideration the rates reduction and covered services
2 required by this amendatory Act of the 97th General
3 Assembly.

4 (8) For hospitals not previously described in this
5 subsection, the rates or payments for hospital services
6 shall be further reduced by 3.5%, except for payments
7 authorized under Section 5A-12.4 of this Code.

8 (9) For all other rates or payments for services
9 delivered by providers not specifically referenced in
10 paragraphs (1) through (8), rates or payments shall be
11 further reduced by 2.7%.

12 (c) Any assessment imposed by this Code shall continue and
13 nothing in this Section shall be construed to cause it to
14 cease.

15 (d) Notwithstanding any other provision of this Code to the
16 contrary, subject to federal approval under Title XIX of the
17 Social Security Act, for dates of service on and after July 1,
18 2014, rates or payments for services provided for the purpose
19 of transitioning children from a hospital to home placement or
20 other appropriate setting by a children's community-based
21 health care center authorized under the Alternative Health Care
22 Delivery Act shall be \$683 per day.

23 (e) Notwithstanding any other provision of this Code to the
24 contrary, subject to federal approval under Title XIX of the
25 Social Security Act, for dates of service on and after July 1,
26 2014, rates or payments for home health visits shall be \$72.

1 (f) Notwithstanding any other provision of this Code to the
2 contrary, subject to federal approval under Title XIX of the
3 Social Security Act, for dates of service on and after July 1,
4 2014, rates or payments for the certified nursing assistant
5 component of the home health agency rate shall be \$20.

6 (Source: P.A. 97-689, eff. 6-14-12; 98-104, eff. 7-22-13;
7 98-651, eff. 6-16-14; 98-1166, eff. 6-1-15.)

8 (305 ILCS 5/5A-2) (from Ch. 23, par. 5A-2)

9 (Section scheduled to be repealed on July 1, 2018)

10 Sec. 5A-2. Assessment.

11 (a) Subject to Sections 5A-3 and 5A-10, for State fiscal
12 years 2009 through 2018, an annual assessment on inpatient
13 services is imposed on each hospital provider in an amount
14 equal to \$218.38 multiplied by the difference of the hospital's
15 occupied bed days less the hospital's Medicare bed days,
16 provided, however, that the amount of \$218.38 shall be
17 increased by a uniform percentage to generate an amount equal
18 to 75% of the State share of the payments authorized under
19 Section 12-5, with such increase only taking effect upon the
20 date that a State share for such payments is required under
21 federal law. For the period of April through June 2015, the
22 amount of \$218.38 used to calculate the assessment under this
23 paragraph shall, by emergency rule under subsection (s) of
24 Section 5-45 of the Illinois Administrative Procedure Act, be
25 increased by a uniform percentage to generate \$20,250,000 in

1 the aggregate for that period from all hospitals subject to the
2 annual assessment under this paragraph.

3 For State fiscal years 2009 through 2014 and after, a
4 hospital's occupied bed days and Medicare bed days shall be
5 determined using the most recent data available from each
6 hospital's 2005 Medicare cost report as contained in the
7 Healthcare Cost Report Information System file, for the quarter
8 ending on December 31, 2006, without regard to any subsequent
9 adjustments or changes to such data. If a hospital's 2005
10 Medicare cost report is not contained in the Healthcare Cost
11 Report Information System, then the Illinois Department may
12 obtain the hospital provider's occupied bed days and Medicare
13 bed days from any source available, including, but not limited
14 to, records maintained by the hospital provider, which may be
15 inspected at all times during business hours of the day by the
16 Illinois Department or its duly authorized agents and
17 employees.

18 (b) (Blank).

19 (b-5) Subject to Sections 5A-3 and 5A-10, for the portion
20 of State fiscal year 2012, beginning June 10, 2012 through June
21 30, 2012, and for State fiscal years 2013 through 2018, an
22 annual assessment on outpatient services is imposed on each
23 hospital provider in an amount equal to .008766 multiplied by
24 the hospital's outpatient gross revenue, provided, however,
25 that the amount of .008766 shall be increased by a uniform
26 percentage to generate an amount equal to 25% of the State

1 share of the payments authorized under Section 12-5, with such
2 increase only taking effect upon the date that a State share
3 for such payments is required under federal law. For the period
4 beginning June 10, 2012 through June 30, 2012, the annual
5 assessment on outpatient services shall be prorated by
6 multiplying the assessment amount by a fraction, the numerator
7 of which is 21 days and the denominator of which is 365 days.
8 For the period of April through June 2015, the amount of
9 .008766 used to calculate the assessment under this paragraph
10 shall, by emergency rule under subsection (s) of Section 5-45
11 of the Illinois Administrative Procedure Act, be increased by a
12 uniform percentage to generate \$6,750,000 in the aggregate for
13 that period from all hospitals subject to the annual assessment
14 under this paragraph.

15 For the portion of State fiscal year 2012, beginning June
16 10, 2012 through June 30, 2012, and State fiscal years 2013
17 through 2018, a hospital's outpatient gross revenue shall be
18 determined using the most recent data available from each
19 hospital's 2009 Medicare cost report as contained in the
20 Healthcare Cost Report Information System file, for the quarter
21 ending on June 30, 2011, without regard to any subsequent
22 adjustments or changes to such data. If a hospital's 2009
23 Medicare cost report is not contained in the Healthcare Cost
24 Report Information System, then the Department may obtain the
25 hospital provider's outpatient gross revenue from any source
26 available, including, but not limited to, records maintained by

1 the hospital provider, which may be inspected at all times
2 during business hours of the day by the Department or its duly
3 authorized agents and employees.

4 (c) (Blank).

5 (d) Notwithstanding any of the other provisions of this
6 Section, the Department is authorized to adopt rules to reduce
7 the rate of any annual assessment imposed under this Section,
8 as authorized by Section 5-46.2 of the Illinois Administrative
9 Procedure Act.

10 (e) Notwithstanding any other provision of this Section,
11 any plan providing for an assessment on a hospital provider as
12 a permissible tax under Title XIX of the federal Social
13 Security Act and Medicaid-eligible payments to hospital
14 providers from the revenues derived from that assessment shall
15 be reviewed by the Illinois Department of Healthcare and Family
16 Services, as the Single State Medicaid Agency required by
17 federal law, to determine whether those assessments and
18 hospital provider payments meet federal Medicaid standards. If
19 the Department determines that the elements of the plan may
20 meet federal Medicaid standards and a related State Medicaid
21 Plan Amendment is prepared in a manner and form suitable for
22 submission, that State Plan Amendment shall be submitted in a
23 timely manner for review by the Centers for Medicare and
24 Medicaid Services of the United States Department of Health and
25 Human Services and subject to approval by the Centers for
26 Medicare and Medicaid Services of the United States Department

1 of Health and Human Services. No such plan shall become
2 effective without approval by the Illinois General Assembly by
3 the enactment into law of related legislation. Notwithstanding
4 any other provision of this Section, the Department is
5 authorized to adopt rules to reduce the rate of any annual
6 assessment imposed under this Section. Any such rules may be
7 adopted by the Department under Section 5-50 of the Illinois
8 Administrative Procedure Act.

9 (Source: P.A. 97-688, eff. 6-14-12; 97-689, eff. 6-14-12;
10 98-104, eff. 7-22-13; 98-651, eff. 6-16-14.)

11 (305 ILCS 5/5A-10) (from Ch. 23, par. 5A-10)

12 Sec. 5A-10. Applicability.

13 (a) The assessment imposed by subsection (a) of Section
14 5A-2 shall cease to be imposed and the Department's obligation
15 to make payments shall immediately cease, and any moneys
16 remaining in the Fund shall be refunded to hospital providers
17 in proportion to the amounts paid by them, if:

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

21 (2) For State fiscal years 2009 through 2018, the
22 Department of Healthcare and Family Services adopts any
23 administrative rule change to reduce payment rates or
24 alters any payment methodology that reduces any payment
25 rates made to operating hospitals under the approved Title

1 XIX or Title XXI State plan in effect January 1, 2008
2 except for:

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

5 (B) any rates for payments made under this Article
6 V-A;

7 (C) any changes proposed in State plan amendment
8 transmittal numbers 08-01, 08-02, 08-04, 08-06, and
9 08-07;

10 (D) in relation to any admissions on or after
11 January 1, 2011, a modification in the methodology for
12 calculating outlier payments to hospitals for
13 exceptionally costly stays, for hospitals reimbursed
14 under the diagnosis-related grouping methodology in
15 effect on July 1, 2011; provided that the Department
16 shall be limited to one such modification during the
17 36-month period after the effective date of this
18 amendatory Act of the 96th General Assembly;

19 (E) any changes affecting hospitals authorized by
20 Public Act 97-689; ~~or~~

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

24 (G) any changes authorized under Section 5-5b.1.

25 (b) The assessment imposed by Section 5A-2 shall not take
26 effect or shall cease to be imposed, and the Department's

1 obligation to make payments shall immediately cease, if the
2 assessment is determined to be an impermissible tax under Title
3 XIX of the Social Security Act. Moneys in the Hospital Provider
4 Fund derived from assessments imposed prior thereto shall be
5 disbursed in accordance with Section 5A-8 to the extent federal
6 financial participation is not reduced due to the
7 impermissibility of the assessments, and any remaining moneys
8 shall be refunded to hospital providers in proportion to the
9 amounts paid by them.

10 (c) The assessments imposed by subsection (b-5) of Section
11 5A-2 shall not take effect or shall cease to be imposed, the
12 Department's obligation to make payments shall immediately
13 cease, and any moneys remaining in the Fund shall be refunded
14 to hospital providers in proportion to the amounts paid by
15 them, if the payments to hospitals required under Section
16 5A-12.4 are not eligible for federal matching funds under Title
17 XIX of the Social Security Act.

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

23 (1) for State fiscal years 2013 through 2018, the
24 Department reduces any payment rates to hospitals as in
25 effect on May 1, 2012, or alters any payment methodology as
26 in effect on May 1, 2012, that has the effect of reducing

1 payment rates to hospitals, except for any changes
2 affecting hospitals authorized in Public Act 97-689 and any
3 changes authorized by Section 14-12 of this Code, and
4 except for any changes authorized under Section 5A-15, and
5 except for any changes authorized under Section 5-5b.1;

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

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

22 (Source: P.A. 97-72, eff. 7-1-11; 97-74, eff. 6-30-11; 97-688,
23 eff. 6-14-12; 97-689, eff. 6-14-12; 98-463, eff. 8-16-13;
24 98-651, eff. 6-16-14.)

1 Sec. 14-12. Hospital rate reform payment system. The
2 hospital payment system pursuant to Section 14-11 of this
3 Article shall be as follows:

4 (a) Inpatient hospital services. Effective for discharges
5 on and after July 1, 2014, reimbursement for inpatient general
6 acute care services shall utilize the All Patient Refined
7 Diagnosis Related Grouping (APR-DRG) software, version 30,
8 distributed by 3MTM Health Information System.

9 (1) The Department shall establish Medicaid weighting
10 factors to be used in the reimbursement system established
11 under this subsection. Initial weighting factors shall be
12 the weighting factors as published by 3M Health Information
13 System, associated with Version 30.0 adjusted for the
14 Illinois experience.

15 (2) The Department shall establish a
16 statewide-standardized amount to be used in the inpatient
17 reimbursement system. The Department shall publish these
18 amounts on its website no later than 10 calendar days prior
19 to their effective date.

20 (3) In addition to the statewide-standardized amount,
21 the Department shall develop adjusters to adjust the rate
22 of reimbursement for critical Medicaid providers or
23 services for trauma, transplantation services, perinatal
24 care, and Graduate Medical Education (GME).

25 (4) The Department shall develop add-on payments to
26 account for exceptionally costly inpatient stays,

1 consistent with Medicare outlier principles. Outlier fixed
2 loss thresholds may be updated to control for excessive
3 growth in outlier payments no more frequently than on an
4 annual basis, but at least triennially. Upon updating the
5 fixed loss thresholds, the Department shall be required to
6 update base rates within 12 months.

7 (5) The Department shall define those hospitals or
8 distinct parts of hospitals that shall be exempt from the
9 APR-DRG reimbursement system established under this
10 Section. The Department shall publish these hospitals'
11 inpatient rates on its website no later than 10 calendar
12 days prior to their effective date.

13 (6) Beginning July 1, 2014 and ending on June 30, 2018,
14 in addition to the statewide-standardized amount, the
15 Department shall develop an adjustor to adjust the rate of
16 reimbursement for safety-net hospitals defined in Section
17 5-5e.1 of this Code excluding pediatric hospitals.

18 (7) Beginning July 1, 2014 and ending on June 30, 2018,
19 in addition to the statewide-standardized amount, the
20 Department shall develop an adjustor to adjust the rate of
21 reimbursement for Illinois freestanding inpatient
22 psychiatric hospitals that are not designated as
23 children's hospitals by the Department but are primarily
24 treating patients under the age of 21.

25 (b) Outpatient hospital services. Effective for dates of
26 service on and after July 1, 2014, reimbursement for outpatient

1 services shall utilize the Enhanced Ambulatory Procedure
2 Grouping (E-APG) software, version 3.7 distributed by 3MTM
3 Health Information System.

4 (1) The Department shall establish Medicaid weighting
5 factors to be used in the reimbursement system established
6 under this subsection. The initial weighting factors shall
7 be the weighting factors as published by 3M Health
8 Information System, associated with Version 3.7.

9 (2) The Department shall establish service specific
10 statewide-standardized amounts to be used in the
11 reimbursement system.

12 (A) The initial statewide standardized amounts,
13 with the labor portion adjusted by the Calendar Year
14 2013 Medicare Outpatient Prospective Payment System
15 wage index with reclassifications, shall be published
16 by the Department on its website no later than 10
17 calendar days prior to their effective date.

18 (B) The Department shall establish adjustments to
19 the statewide-standardized amounts for each Critical
20 Access Hospital, as designated by the Department of
21 Public Health in accordance with 42 CFR 485, Subpart F.
22 The EAPG standardized amounts are determined
23 separately for each critical access hospital such that
24 simulated EAPG payments using outpatient base period
25 paid claim data plus payments under Section 5A-12.4 of
26 this Code net of the associated tax costs are equal to

1 the estimated costs of outpatient base period claims
2 data with a rate year cost inflation factor applied.

3 (3) In addition to the statewide-standardized amounts,
4 the Department shall develop adjusters to adjust the rate
5 of reimbursement for critical Medicaid hospital outpatient
6 providers or services, including outpatient high volume or
7 safety-net hospitals.

8 (c) In consultation with the hospital community, the
9 Department is authorized to replace 89 Ill. Admin. Code 152.150
10 as published in 38 Ill. Reg. 4980 through 4986 within 12 months
11 of the effective date of this amendatory Act of the 98th
12 General Assembly. If the Department does not replace these
13 rules within 12 months of the effective date of this amendatory
14 Act of the 98th General Assembly, the rules in effect for
15 152.150 as published in 38 Ill. Reg. 4980 through 4986 shall
16 remain in effect until modified by rule by the Department.
17 Nothing in this subsection shall be construed to mandate that
18 the Department file a replacement rule.

19 (d) Transition period. There shall be a transition period
20 to the reimbursement systems authorized under this Section that
21 shall begin on the effective date of these systems and continue
22 until June 30, 2018, unless extended by rule by the Department.
23 To help provide an orderly and predictable transition to the
24 new reimbursement systems and to preserve and enhance access to
25 the hospital services during this transition, the Department
26 shall allocate a transitional hospital access pool of at least

1 \$290,000,000 annually so that transitional hospital access
2 payments are made to hospitals.

3 (1) After the transition period, the Department may
4 begin incorporating the transitional hospital access pool
5 into the base rate structure.

6 (2) After the transition period, if the Department
7 reduces payments from the transitional hospital access
8 pool, it shall increase base rates, develop new adjustors,
9 adjust current adjustors, develop new hospital access
10 payments based on updated information, or any combination
11 thereof by an amount equal to the decreases proposed in the
12 transitional hospital access pool payments, ensuring that
13 the entire transitional hospital access pool amount shall
14 continue to be used for hospital payments.

15 (e) Beginning 36 months after initial implementation, the
16 Department shall update the reimbursement components in
17 subsections (a) and (b), including standardized amounts and
18 weighting factors, and at least triennially and no more
19 frequently than annually thereafter. The Department shall
20 publish these updates on its website no later than 30 calendar
21 days prior to their effective date.

22 (f) Continuation of supplemental payments. Any
23 supplemental payments authorized under Illinois Administrative
24 Code 148 effective January 1, 2014 and that continue during the
25 period of July 1, 2014 through December 31, 2014 shall remain
26 in effect as long as the assessment imposed by Section 5A-2 is

1 in effect.

2 (g) Notwithstanding subsections (a) through (f) of this
3 Section and notwithstanding the changes authorized under
4 Section 5-5b.1, any updates to the system shall not result in
5 any diminishment of the overall effective rates of
6 reimbursement as of the implementation date of the new system
7 (July 1, 2014). These updates shall not preclude variations in
8 any individual component of the system or hospital rate
9 variations. Nothing in this Section shall prohibit the
10 Department from increasing the rates of reimbursement or
11 developing payments to ensure access to hospital services.
12 Nothing in this Section shall be construed to guarantee a
13 minimum amount of spending in the aggregate or per hospital as
14 spending may be impacted by factors including but not limited
15 to the number of individuals in the medical assistance program
16 and the severity of illness of the individuals.

17 (h) The Department shall have the authority to modify by
18 rulemaking any changes to the rates or methodologies in this
19 Section as required by the federal government to obtain federal
20 financial participation for expenditures made under this
21 Section.

22 (i) Except for subsections (g) and (h) of this Section, the
23 Department shall, pursuant to subsection (c) of Section 5-40 of
24 the Illinois Administrative Procedure Act, provide for
25 presentation at the June 2014 hearing of the Joint Committee on
26 Administrative Rules (JCAR) additional written notice to JCAR

1 of the following rules in order to commence the second notice
2 period for the following rules: rules published in the Illinois
3 Register, rule dated February 21, 2014 at 38 Ill. Reg. 4559
4 (Medical Payment), 4628 (Specialized Health Care Delivery
5 Systems), 4640 (Hospital Services), 4932 (Diagnostic Related
6 Grouping (DRG) Prospective Payment System (PPS)), and 4977
7 (Hospital Reimbursement Changes), and published in the
8 Illinois Register dated March 21, 2014 at 38 Ill. Reg. 6499
9 (Specialized Health Care Delivery Systems) and 6505 (Hospital
10 Services).

11 (Source: P.A. 98-651, eff. 6-16-14.)

12 Section 95. No acceleration or delay. Where this Act makes
13 changes in a statute that is represented in this Act by text
14 that is not yet or no longer in effect (for example, a Section
15 represented by multiple versions), the use of that text does
16 not accelerate or delay the taking effect of (i) the changes
17 made by this Act or (ii) provisions derived from any other
18 Public Act.

19 Section 97. Severability. The provisions of this Act are
20 severable under Section 1.31 of the Statute on Statutes.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law; but this Act does not take effect at all unless
23 House Bill 317 of the 99th General Assembly becomes law."