

1 AN ACT concerning finance.

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

4 Section 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
17 shall include the text of the emergency rule and shall be
18 published in the Illinois Register. Consent orders or other
19 court orders adopting settlements negotiated by an agency may
20 be adopted under this Section. Subject to applicable
21 constitutional or statutory provisions, an emergency rule
22 becomes effective immediately upon filing under Section 5-65 or
23 at a stated date less than 10 days thereafter. The agency's

1 finding and a statement of the specific reasons for the finding
2 shall be filed with the rule. The agency shall take reasonable
3 and appropriate measures to make emergency rules known to the
4 persons who may be affected by them.

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

1 (c-5) To facilitate the maintenance of the program of group
2 health benefits provided to annuitants, survivors, and retired
3 employees under the State Employees Group Insurance Act of
4 1971, rules to alter the contributions to be paid by the State,
5 annuitants, survivors, retired employees, or any combination
6 of those entities, for that program of group health benefits,
7 shall be adopted as emergency rules. The adoption of those
8 rules shall be considered an emergency and necessary for the
9 public interest, safety, and welfare.

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

22 (e) In order to provide for the expeditious and timely
23 implementation of the State's fiscal year 2000 budget,
24 emergency rules to implement any provision of this amendatory
25 Act of the 91st General Assembly or any other budget initiative
26 for fiscal year 2000 may be adopted in accordance with this

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

8 (f) In order to provide for the expeditious and timely
9 implementation of the State's fiscal year 2001 budget,
10 emergency rules to implement any provision of this amendatory
11 Act of the 91st General Assembly or any other budget initiative
12 for fiscal year 2001 may be adopted in accordance with this
13 Section by the agency charged with administering that provision
14 or initiative, except that the 24-month limitation on the
15 adoption of emergency rules and the provisions of Sections
16 5-115 and 5-125 do not apply to rules adopted under this
17 subsection (f). The adoption of emergency rules authorized by
18 this subsection (f) shall be deemed to be necessary for the
19 public interest, safety, and welfare.

20 (g) In order to provide for the expeditious and timely
21 implementation of the State's fiscal year 2002 budget,
22 emergency rules to implement any provision of this amendatory
23 Act of the 92nd General Assembly or any other budget initiative
24 for fiscal year 2002 may be adopted in accordance with this
25 Section by the agency charged with administering that provision
26 or initiative, except that the 24-month limitation on the

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

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

18 (i) In order to provide for the expeditious and timely
19 implementation of the State's fiscal year 2004 budget,
20 emergency rules to implement any provision of this amendatory
21 Act of the 93rd General Assembly or any other budget initiative
22 for fiscal year 2004 may be adopted in accordance with this
23 Section by the agency charged with administering that provision
24 or initiative, except that the 24-month limitation on the
25 adoption of emergency rules and the provisions of Sections
26 5-115 and 5-125 do not apply to rules adopted under this

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

4 (j) In order to provide for the expeditious and timely
5 implementation of the provisions of the State's fiscal year
6 2005 budget as provided under the Fiscal Year 2005 Budget
7 Implementation (Human Services) Act, emergency rules to
8 implement any provision of the Fiscal Year 2005 Budget
9 Implementation (Human Services) Act may be adopted in
10 accordance with this Section by the agency charged with
11 administering that provision, except that the 24-month
12 limitation on the adoption of emergency rules and the
13 provisions of Sections 5-115 and 5-125 do not apply to rules
14 adopted under this subsection (j). The Department of Public Aid
15 may also adopt rules under this subsection (j) necessary to
16 administer the Illinois Public Aid Code and the Children's
17 Health Insurance Program Act. The adoption of emergency rules
18 authorized by this subsection (j) shall be deemed to be
19 necessary for the public interest, safety, and welfare.

20 (k) In order to provide for the expeditious and timely
21 implementation of the provisions of the State's fiscal year
22 2006 budget, emergency rules to implement any provision of this
23 amendatory Act of the 94th General Assembly or any other budget
24 initiative for fiscal year 2006 may be adopted in accordance
25 with this Section by the agency charged with administering that
26 provision or initiative, except that the 24-month limitation on

1 the adoption of emergency rules and the provisions of Sections
2 5-115 and 5-125 do not apply to rules adopted under this
3 subsection (k). The Department of Healthcare and Family
4 Services may also adopt rules under this subsection (k)
5 necessary to administer the Illinois Public Aid Code, the
6 Senior Citizens and Disabled Persons Property Tax Relief Act,
7 the Senior Citizens and Disabled Persons Prescription Drug
8 Discount Program Act (now the Illinois Prescription Drug
9 Discount Program Act), and the Children's Health Insurance
10 Program Act. The adoption of emergency rules authorized by this
11 subsection (k) shall be deemed to be necessary for the public
12 interest, safety, and welfare.

13 (l) In order to provide for the expeditious and timely
14 implementation of the provisions of the State's fiscal year
15 2007 budget, the Department of Healthcare and Family Services
16 may adopt emergency rules during fiscal year 2007, including
17 rules effective July 1, 2007, in accordance with this
18 subsection to the extent necessary to administer the
19 Department's responsibilities with respect to amendments to
20 the State plans and Illinois waivers approved by the federal
21 Centers for Medicare and Medicaid Services necessitated by the
22 requirements of Title XIX and Title XXI of the federal Social
23 Security Act. The adoption of emergency rules authorized by
24 this subsection (l) shall be deemed to be necessary for the
25 public interest, safety, and welfare.

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

1 implementation of the provisions of the State's fiscal year
2 2008 budget, the Department of Healthcare and Family Services
3 may adopt emergency rules during fiscal year 2008, including
4 rules effective July 1, 2008, in accordance with this
5 subsection to the extent necessary to administer the
6 Department's responsibilities with respect to amendments to
7 the State plans and Illinois waivers approved by the federal
8 Centers for Medicare and Medicaid Services necessitated by the
9 requirements of Title XIX and Title XXI of the federal Social
10 Security Act. The adoption of emergency rules authorized by
11 this subsection (m) shall be deemed to be necessary for the
12 public interest, safety, and welfare.

13 (n) In order to provide for the expeditious and timely
14 implementation of the provisions of the State's fiscal year
15 2010 budget, emergency rules to implement any provision of this
16 amendatory Act of the 96th General Assembly or any other budget
17 initiative authorized by the 96th General Assembly for fiscal
18 year 2010 may be adopted in accordance with this Section by the
19 agency charged with administering that provision or
20 initiative. The adoption of emergency rules authorized by this
21 subsection (n) shall be deemed to be necessary for the public
22 interest, safety, and welfare. The rulemaking authority
23 granted in this subsection (n) shall apply only to rules
24 promulgated during Fiscal Year 2010.

25 (o) In order to provide for the expeditious and timely
26 implementation of the provisions of the State's fiscal year

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

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

25 (q) In order to provide for the expeditious and timely
26 implementation of the provisions of Articles 7, 8, 9, 11, and

1 12 of this amendatory Act of the 98th General Assembly,
2 emergency rules to implement any provision of Articles 7, 8, 9,
3 11, and 12 of this amendatory Act of the 98th General Assembly
4 may be adopted in accordance with this subsection (q) by the
5 agency charged with administering that provision or
6 initiative. The 24-month limitation on the adoption of
7 emergency rules does not apply to rules adopted under this
8 subsection (q). The adoption of emergency rules authorized by
9 this subsection (q) is deemed to be necessary for the public
10 interest, safety, and welfare.

11 (r) In order to provide for the expeditious and timely
12 implementation of the provisions of this amendatory Act of the
13 98th General Assembly, emergency rules to implement this
14 amendatory Act of the 98th General Assembly may be adopted in
15 accordance with this subsection (r) by the Department of
16 Healthcare and Family Services. The 24-month limitation on the
17 adoption of emergency rules does not apply to rules adopted
18 under this subsection (r). The adoption of emergency rules
19 authorized by this subsection (r) is deemed to be necessary for
20 the public interest, safety, and welfare.

21 (s) In order to provide for the expeditious and timely
22 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
23 the Illinois Public Aid Code, emergency rules to implement any
24 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
25 Public Aid Code may be adopted in accordance with this
26 subsection (s) by the Department of Healthcare and Family

1 Services. The rulemaking authority granted in this subsection
2 (s) shall apply only to those rules adopted prior to July 1,
3 2015. Notwithstanding any other provision of this Section, any
4 emergency rule adopted under this subsection (s) shall only
5 apply to payments made for State fiscal year 2015. The adoption
6 of emergency rules authorized by this subsection (s) is deemed
7 to be necessary for the public interest, safety, and welfare.

8 (Source: P.A. 97-689, eff. 6-14-12; 97-695, eff. 7-1-12;
9 98-104, eff. 7-22-13; 98-463, eff. 8-16-13; 98-651, eff.
10 6-16-14.)

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

13 (20 ILCS 3005/7.2)

14 Sec. 7.2. Quarterly financial reports. The Office shall
15 prepare and publish a quarterly financial report to update the
16 public and the General Assembly on the status of the State's
17 finances. At a minimum, each report shall include the following
18 information:

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

20 (2) A review of general funds revenue performance, both
21 quarterly and year to date, and an evaluation of that
22 performance.

23 (3) The outlook for future general funds revenue
24 performance, including projections of future general funds

1 revenues.

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

5 (5) A review of Statewide employment statistics.

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

8 (7) For the report covering the fourth quarter of State
9 fiscal year 2015 only, the report shall also include the
10 information described in subsection (e) of Section 8.50 of
11 the State Finance Act.

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

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

18 Section 15. The State Finance Act is amended by changing
19 Section 13.2 and by adding Section 8.50 as follows:

20 (30 ILCS 105/8.50 new)

21 Sec. 8.50. Special fund transfers.

22 (a) In order to maintain the integrity of special funds and
23 improve stability in the General Revenue Fund, the following
24 transfers are authorized from the designated funds into the

1	<u>General Revenue Fund:</u>	
2	<u>Road Fund</u>	\$250,000,000
3	<u>Motor Fuel Tax Fund</u>	\$50,000,000
4	<u>Food and Drug Safety Fund</u>	\$1,000,000
5	<u>Teacher Certificate Fee Revolving Fund</u>	\$5,000,000
6	<u>Grade Crossing Protection Fund</u>	\$10,000,000
7	<u>Financial Institution Fund</u>	\$1,573,600
8	<u>General Professions Dedicated Fund</u>	\$2,000,000
9	<u>Lobbyist Registration Administration Fund</u>	\$1,000,000
10	<u>Agricultural Premium Fund</u>	\$5,000,000
11	<u>Fire Prevention Fund</u>	\$23,000,000
12	<u>Illinois State Pharmacy Disciplinary Fund</u>	\$2,700,000
13	<u>Radiation Protection Fund</u>	\$1,500,000
14	<u>Hospital Licensure Fund</u>	\$500,000
15	<u>Underground Storage Tank Fund</u>	\$20,000,000
16	<u>Solid Waste Management Fund</u>	\$15,000,000
17	<u>Subtitle D Management Fund</u>	\$1,000,000
18	<u>Illinois State Medical Disciplinary Fund</u>	\$10,000,000
19	<u>Facility Licensing Fund</u>	\$1,000,000
20	<u>Registered Certified Public Accountants'</u>	
21	<u>Administration and Disciplinary Fund</u>	\$6,100,000
22	<u>Motor Vehicle Theft Prevention Fund</u>	\$6,000,000
23	<u>Weights and Measures Fund</u>	\$2,000,000
24	<u>State and Local Sales Tax Reform Fund</u>	\$40,000,000
25	<u>County and Mass Transit District Fund</u>	\$40,000,000
26	<u>Local Government Tax Fund</u>	\$200,000,000

1	<u>Illinois Fisheries Management Fund</u>	<u>\$500,000</u>
2	<u>Capital Development Board Revolving Fund</u>	<u>\$1,500,000</u>
3	<u>Intercity Passenger Rail Fund</u>	<u>\$370,000</u>
4	<u>Illinois Health Facilities Planning Fund</u>	<u>\$3,746,000</u>
5	<u>Emergency Public Health Fund</u>	<u>\$500,000</u>
6	<u>TOMA Consumer Protection Fund</u>	<u>\$1,500,000</u>
7	<u>Fair and Exposition Fund</u>	<u>\$1,000,000</u>
8	<u>State Police Vehicle Fund</u>	<u>\$4,000,000</u>
9	<u>Nursing Dedicated and Professional Fund</u>	<u>\$5,000,000</u>
10	<u>Underground Resources Conservation Enforcement Fund</u> ..	<u>\$500,000</u>
11	<u>State Rail Freight Loan Repayment Fund</u>	<u>\$10,000,000</u>
12	<u>Illinois Affordable Housing Trust Fund</u>	<u>\$6,000,000</u>
13	<u>Home Care Services Agency Licensure Fund</u>	<u>\$1,000,000</u>
14	<u>Fertilizer Control Fund</u>	<u>\$500,000</u>
15	<u>Securities Investors Education Fund</u>	<u>\$5,000,000</u>
16	<u>Used Tire Management Fund</u>	<u>\$20,000,000</u>
17	<u>Natural Areas Acquisition Fund</u>	<u>\$6,000,000</u>
18	<u>I-FLY Fund</u>	<u>\$1,545,000</u>
19	<u>Illinois Prescription Drug Discount Program Fund</u>	<u>\$257,100</u>
20	<u>ICJIA Violence Prevention Special Projects Fund</u>	<u>\$3,000,000</u>
21	<u>Tattoo and Body Piercing</u>	
22	<u>Establishment Registration Fund</u>	<u>\$250,000</u>
23	<u>Public Health Laboratory Services Revolving Fund</u>	<u>\$500,000</u>
24	<u>Provider Inquiry Trust Fund</u>	<u>\$1,300,000</u>
25	<u>Securities Audit and Enforcement Fund</u>	<u>\$4,000,000</u>
26	<u>Drug Treatment Fund</u>	<u>\$1,000,000</u>

1	<u>Feed Control Fund</u>	<u>\$1,000,000</u>
2	<u>Plumbing Licensure and Program Fund</u>	<u>\$200,000</u>
3	<u>Appraisal Administration Fund</u>	<u>\$400,000</u>
4	<u>Trauma Center Fund</u>	<u>\$7,000,000</u>
5	<u>Alternate Fuels Fund</u>	<u>\$1,500,000</u>
6	<u>Illinois State Fair Fund</u>	<u>\$1,000,000</u>
7	<u>Agricultural Master Fund</u>	<u>\$400,000</u>
8	<u>Human Services Priority Capital Program Fund</u>	<u>\$1,680,000</u>
9	<u>State Asset Forfeiture Fund</u>	<u>\$250,000</u>
10	<u>Health Facility Plan Review Fund</u>	<u>\$1,000,000</u>
11	<u>Illinois Workers' Compensation</u>	
12	<u>Commission Operations Fund</u>	<u>\$10,000,000</u>
13	<u>Workforce, Technology, and Economic Development Fund</u>	<u>\$300,000</u>
14	<u>Downstate Transit Improvement Fund</u>	<u>\$70,000,000</u>
15	<u>Renewable Energy Resources Trust Fund</u>	<u>\$3,000,000</u>
16	<u>Energy Efficiency Trust Fund</u>	<u>\$6,000,000</u>
17	<u>Pesticide Control Fund</u>	<u>\$3,000,000</u>
18	<u>Partners for Conservation Fund</u>	<u>\$6,000,000</u>
19	<u>Wireless Service Emergency Fund</u>	<u>\$7,500,000</u>
20	<u>Death Certificate Surcharge Fund</u>	<u>\$1,500,000</u>
21	<u>Illinois Adoption Registry and</u>	
22	<u>Medical Information Exchange Fund</u>	<u>\$232,000</u>
23	<u>Fund for the Advancement of Education</u>	<u>\$25,000,000</u>
24	<u>Commitment to Human Services Fund</u>	<u>\$25,000,000</u>
25	<u>Illinois Standardbred Breeders Fund</u>	<u>\$250,000</u>
26	<u>Illinois Thoroughbred Breeders Fund</u>	<u>\$250,000</u>

1	<u>Spinal Cord Injury Paralysis</u>	
2	<u>Cure Research Trust Fund</u>	<u>\$1,100,000</u>
3	<u>Medicaid Buy-In Program Revolving Fund</u>	<u>\$1,700,000</u>
4	<u>Home Inspector Administration Fund</u>	<u>\$1,000,000</u>
5	<u>Real Estate Audit Fund</u>	<u>\$193,600</u>
6	<u>Illinois AgriFIRST Program Fund</u>	<u>\$204,000</u>
7	<u>Performance-enhancing Substance Testing Fund</u>	<u>\$365,000</u>
8	<u>Bank and Trust Company Fund</u>	<u>\$25,000,000</u>
9	<u>Natural Resources Restoration Trust Fund</u>	<u>\$1,000,000</u>
10	<u>Illinois Power Agency Renewable</u>	
11	<u>Energy Resources Fund</u>	<u>\$98,000,000</u>
12	<u>Real Estate Research and Education Fund</u>	<u>\$500,000</u>
13	<u>Real Estate License Administration Fund</u>	<u>\$30,000,000</u>
14	<u>Abandoned Residential Property</u>	
15	<u>Municipality Relief Fund</u>	<u>\$700,000</u>
16	<u>State Construction Account Fund</u>	<u>\$50,000,000</u>
17	<u>State Police Services Fund</u>	<u>\$6,000,000</u>
18	<u>Metabolic Screening and Treatment Fund</u>	<u>\$5,000,000</u>
19	<u>Insurance Producer Administration Fund</u>	<u>\$70,313,800</u>
20	<u>Coal Technology Development Assistance Fund</u>	<u>\$3,000,000</u>
21	<u>Low-Level Radioactive Waste Facility Development</u>	
22	<u>and Operation Fund</u>	<u>\$500,000</u>
23	<u>Low-Level Radioactive Waste Facility Closure,</u>	
24	<u>Post-Closure Care and Compensation Fund</u>	<u>\$110,000</u>
25	<u>Illinois State Podiatric Disciplinary Fund</u>	<u>\$200,000</u>
26	<u>Park and Conservation Fund</u>	<u>\$15,000,000</u>

1	<u>Vehicle Inspection Fund</u>	<u>\$8,000,000</u>
2	<u>Local Tourism Fund</u>	<u>\$308,000</u>
3	<u>Illinois Capital Revolving Loan Fund</u>	<u>\$5,000,000</u>
4	<u>Illinois Equity Fund</u>	<u>\$500,000</u>
5	<u>Public Infrastructure Construction</u>	
6	<u>Loan Revolving Fund</u>	<u>\$9,000,000</u>
7	<u>Insurance Financial Regulation Fund</u>	<u>\$23,598,000</u>
8	<u>Dram Shop Fund</u>	<u>\$1,000,000</u>
9	<u>Illinois State Dental Disciplinary Fund</u>	<u>\$1,500,000</u>
10	<u>ISBE Teacher Certificate Institute Fund</u>	<u>\$1,800,000</u>
11	<u>Mental Health Fund</u>	<u>\$3,000,000</u>
12	<u>Tobacco Settlement Recovery Fund</u>	<u>\$4,000,000</u>
13	<u>Public Health Special State Projects Fund</u>	<u>\$5,000,000</u>
14	<u>Total</u>	<u>\$1,318,396,100</u>

15 (b) In order to maintain the integrity of special funds and
16 improve stability in the General Obligation Bond Retirement and
17 Interest Fund, the following transfer is authorized from the
18 designated fund into the General Obligation Bond Retirement and
19 Interest Fund:

20	<u>Federal High Speed Rail Trust Fund</u>	<u>\$48,000,000</u>
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21 (c) On and after the effective date of this amendatory Act
22 of the 99th General Assembly through the end of State fiscal
23 year 2015, when any of the funds listed in subsection (a) has
24 insufficient cash from which the State Comptroller may make
25 expenditures properly supported by appropriations from the
26 fund, then, at the direction of the Director of the Governor's

1 Office of Management and Budget, the State Treasurer and State
2 Comptroller shall transfer from the General Revenue Fund to the
3 fund only such amount as is immediately necessary to satisfy
4 outstanding expenditure obligations on a timely basis, subject
5 to the provisions of the State Prompt Payment Act. All or a
6 portion of the amounts transferred from the General Revenue
7 Fund to a fund pursuant to this subsection (c) from time to
8 time may be re-transferred by the State Comptroller and the
9 State Treasurer from the receiving fund into the General
10 Revenue Fund as soon as and to the extent that deposits are
11 made into or receipts are collected by the receiving fund.

12 (d) The State Treasurer and State Comptroller shall
13 transfer the amounts designated under subsections (a) and (b)
14 of this Section as soon as may be practicable after receiving
15 the direction to transfer from the Director of the Governor's
16 Office of Management and Budget. If the Director of the
17 Governor's Office of Management and Budget determines that any
18 transfer authorized by this Section from a special fund under
19 subsection (a) or (b) either (i) jeopardizes federal funding
20 based on a written communication from a federal official or
21 (ii) violates an order of a court of competent jurisdiction,
22 then the Director may order the State Treasurer and State
23 Comptroller, in writing, to (i) transfer from the General
24 Revenue Fund to that listed special fund all or part of the
25 amounts transferred from that special fund under subsection
26 (a), or (ii) transfer from the General Obligation Bond

1 Retirement and Interest Fund to that listed special fund all or
2 part of the amounts transferred from that special fund under
3 subsection (b).

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

9 (1) The date each transfer was made.

10 (2) The amount of each transfer.

11 (3) In the case of a transfer from the General Revenue
12 Fund to a fund of origin pursuant to subsection (c) or (d)
13 of this Section, the amount of such transfer and the date
14 such transfer was made.

15 (4) The end of day balance of both the fund of origin
16 and the General Revenue Fund on the date the transfer was
17 made.

18 (f) Notwithstanding any provision of law to the contrary,
19 the transfers in this Section shall be made through the end of
20 State fiscal year 2015.

21 (30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

22 Sec. 13.2. Transfers among line item appropriations.

23 (a) Transfers among line item appropriations from the same
24 treasury fund for the objects specified in this Section may be
25 made in the manner provided in this Section when the balance

1 remaining in one or more such line item appropriations is
2 insufficient for the purpose for which the appropriation was
3 made.

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

8 (a-2) Except as otherwise provided in this Section,
9 transfers may be made only among the objects of expenditure
10 enumerated in this Section, except that no funds may be
11 transferred from any appropriation for personal services, from
12 any appropriation for State contributions to the State
13 Employees' Retirement System, from any separate appropriation
14 for employee retirement contributions paid by the employer, nor
15 from any appropriation for State contribution for employee
16 group insurance. During State fiscal year 2005, an agency may
17 transfer amounts among its appropriations within the same
18 treasury fund for personal services, employee retirement
19 contributions paid by employer, and State Contributions to
20 retirement systems; notwithstanding and in addition to the
21 transfers authorized in subsection (c) of this Section, the
22 fiscal year 2005 transfers authorized in this sentence may be
23 made in an amount not to exceed 2% of the aggregate amount
24 appropriated to an agency within the same treasury fund. During
25 State fiscal year 2007, the Departments of Children and Family
26 Services, Corrections, Human Services, and Juvenile Justice

1 may transfer amounts among their respective appropriations
2 within the same treasury fund for personal services, employee
3 retirement contributions paid by employer, and State
4 contributions to retirement systems. During State fiscal year
5 2010, the Department of Transportation may transfer amounts
6 among their respective appropriations within the same treasury
7 fund for personal services, employee retirement contributions
8 paid by employer, and State contributions to retirement
9 systems. During State fiscal years 2010 and 2014 only, an
10 agency may transfer amounts among its respective
11 appropriations within the same treasury fund for personal
12 services, employee retirement contributions paid by employer,
13 and State contributions to retirement systems.
14 Notwithstanding, and in addition to, the transfers authorized
15 in subsection (c) of this Section, these transfers may be made
16 in an amount not to exceed 2% of the aggregate amount
17 appropriated to an agency within the same treasury fund.

18 (a-2.5) During State fiscal year 2015 only, the State's
19 Attorneys Appellate Prosecutor may transfer amounts among its
20 respective appropriations contained in operational line items
21 within the same treasury fund. Notwithstanding, and in addition
22 to, the transfers authorized in subsection (c) of this Section,
23 these transfers may be made in an amount not to exceed 4% of
24 the aggregate amount appropriated to the State's Attorneys
25 Appellate Prosecutor within the same treasury fund.

26 (a-3) Further, if an agency receives a separate

1 appropriation for employee retirement contributions paid by
2 the employer, any transfer by that agency into an appropriation
3 for personal services must be accompanied by a corresponding
4 transfer into the appropriation for employee retirement
5 contributions paid by the employer, in an amount sufficient to
6 meet the employer share of the employee contributions required
7 to be remitted to the retirement system.

8 (a-4) Long-Term Care Rebalancing. The Governor may
9 designate amounts set aside for institutional services
10 appropriated from the General Revenue Fund or any other State
11 fund that receives monies for long-term care services to be
12 transferred to all State agencies responsible for the
13 administration of community-based long-term care programs,
14 including, but not limited to, community-based long-term care
15 programs administered by the Department of Healthcare and
16 Family Services, the Department of Human Services, and the
17 Department on Aging, provided that the Director of Healthcare
18 and Family Services first certifies that the amounts being
19 transferred are necessary for the purpose of assisting persons
20 in or at risk of being in institutional care to transition to
21 community-based settings, including the financial data needed
22 to prove the need for the transfer of funds. The total amounts
23 transferred shall not exceed 4% in total of the amounts
24 appropriated from the General Revenue Fund or any other State
25 fund that receives monies for long-term care services for each
26 fiscal year. A notice of the fund transfer must be made to the

1 General Assembly and posted at a minimum on the Department of
2 Healthcare and Family Services website, the Governor's Office
3 of Management and Budget website, and any other website the
4 Governor sees fit. These postings shall serve as notice to the
5 General Assembly of the amounts to be transferred. Notice shall
6 be given at least 30 days prior to transfer.

7 (b) In addition to the general transfer authority provided
8 under subsection (c), the following agencies have the specific
9 transfer authority granted in this subsection:

10 The Department of Healthcare and Family Services is
11 authorized to make transfers representing savings attributable
12 to not increasing grants due to the births of additional
13 children from line items for payments of cash grants to line
14 items for payments for employment and social services for the
15 purposes outlined in subsection (f) of Section 4-2 of the
16 Illinois Public Aid Code.

17 The Department of Children and Family Services is
18 authorized to make transfers not exceeding 2% of the aggregate
19 amount appropriated to it within the same treasury fund for the
20 following line items among these same line items: Foster Home
21 and Specialized Foster Care and Prevention, Institutions and
22 Group Homes and Prevention, and Purchase of Adoption and
23 Guardianship Services.

24 The Department on Aging is authorized to make transfers not
25 exceeding 2% of the aggregate amount appropriated to it within
26 the same treasury fund for the following Community Care Program

1 line items among these same line items: purchase of services
2 covered by the Community Care Program and Comprehensive Case
3 Coordination.

4 The State Treasurer is authorized to make transfers among
5 line item appropriations from the Capital Litigation Trust
6 Fund, with respect to costs incurred in fiscal years 2002 and
7 2003 only, when the balance remaining in one or more such line
8 item appropriations is insufficient for the purpose for which
9 the appropriation was made, provided that no such transfer may
10 be made unless the amount transferred is no longer required for
11 the purpose for which that appropriation was made.

12 The State Board of Education is authorized to make
13 transfers from line item appropriations within the same
14 treasury fund for General State Aid and General State Aid -
15 Hold Harmless, provided that no such transfer may be made
16 unless the amount transferred is no longer required for the
17 purpose for which that appropriation was made, to the line item
18 appropriation for Transitional Assistance when the balance
19 remaining in such line item appropriation is insufficient for
20 the purpose for which the appropriation was made.

21 The State Board of Education is authorized to make
22 transfers between the following line item appropriations
23 within the same treasury fund: Disabled Student
24 Services/Materials (Section 14-13.01 of the School Code),
25 Disabled Student Transportation Reimbursement (Section
26 14-13.01 of the School Code), Disabled Student Tuition -

1 Private Tuition (Section 14-7.02 of the School Code),
2 Extraordinary Special Education (Section 14-7.02b of the
3 School Code), Reimbursement for Free Lunch/Breakfast Program,
4 Summer School Payments (Section 18-4.3 of the School Code), and
5 Transportation - Regular/Vocational Reimbursement (Section
6 29-5 of the School Code). Such transfers shall be made only
7 when the balance remaining in one or more such line item
8 appropriations is insufficient for the purpose for which the
9 appropriation was made and provided that no such transfer may
10 be made unless the amount transferred is no longer required for
11 the purpose for which that appropriation was made.

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

16 (c) The sum of such transfers for an agency in a fiscal
17 year shall not exceed 2% of the aggregate amount appropriated
18 to it within the same treasury fund for the following objects:
19 Personal Services; Extra Help; Student and Inmate
20 Compensation; State Contributions to Retirement Systems; State
21 Contributions to Social Security; State Contribution for
22 Employee Group Insurance; Contractual Services; Travel;
23 Commodities; Printing; Equipment; Electronic Data Processing;
24 Operation of Automotive Equipment; Telecommunications
25 Services; Travel and Allowance for Committed, Paroled and
26 Discharged Prisoners; Library Books; Federal Matching Grants

1 for Student Loans; Refunds; Workers' Compensation,
2 Occupational Disease, and Tort Claims; and, in appropriations
3 to institutions of higher education, Awards and Grants.
4 Notwithstanding the above, any amounts appropriated for
5 payment of workers' compensation claims to an agency to which
6 the authority to evaluate, administer and pay such claims has
7 been delegated by the Department of Central Management Services
8 may be transferred to any other expenditure object where such
9 amounts exceed the amount necessary for the payment of such
10 claims.

11 (c-1) Special provisions for State fiscal year 2003.
12 Notwithstanding any other provision of this Section to the
13 contrary, for State fiscal year 2003 only, transfers among line
14 item appropriations to an agency from the same treasury fund
15 may be made provided that the sum of such transfers for an
16 agency in State fiscal year 2003 shall not exceed 3% of the
17 aggregate amount appropriated to that State agency for State
18 fiscal year 2003 for the following objects: personal services,
19 except that no transfer may be approved which reduces the
20 aggregate appropriations for personal services within an
21 agency; extra help; student and inmate compensation; State
22 contributions to retirement systems; State contributions to
23 social security; State contributions for employee group
24 insurance; contractual services; travel; commodities;
25 printing; equipment; electronic data processing; operation of
26 automotive equipment; telecommunications services; travel and

1 allowance for committed, paroled, and discharged prisoners;
2 library books; federal matching grants for student loans;
3 refunds; workers' compensation, occupational disease, and tort
4 claims; and, in appropriations to institutions of higher
5 education, awards and grants.

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

16 (c-3) Special provisions for State fiscal year 2015.
17 Notwithstanding any other provision of this Section, for State
18 fiscal year 2015, transfers among line item appropriations to a
19 State agency from the same State treasury fund may be made for
20 operational or lump sum expenses only, provided that the sum of
21 such transfers for a State agency in State fiscal year 2015
22 shall not exceed 4% of the aggregate amount appropriated to
23 that State agency for operational or lump sum expenses for
24 State fiscal year 2015. For the purpose of this subsection,
25 "operational or lump sum expenses" includes the following
26 objects: personal services; extra help; student and inmate

1 compensation; State contributions to retirement systems; State
2 contributions to social security; State contributions 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; lump sum and other
10 purposes; and lump sum operations. For the purpose of this
11 subsection (c-3), "State agency" does not include the Attorney
12 General, the Secretary of State, the Comptroller, the
13 Treasurer, or the legislative or judicial branches.

14 (d) Transfers among appropriations made to agencies of the
15 Legislative and Judicial departments and to the
16 constitutionally elected officers in the Executive branch
17 require the approval of the officer authorized in Section 10 of
18 this Act to approve and certify vouchers. Transfers among
19 appropriations made to the University of Illinois, Southern
20 Illinois University, Chicago State University, Eastern
21 Illinois University, Governors State University, Illinois
22 State University, Northeastern Illinois University, Northern
23 Illinois University, Western Illinois University, the Illinois
24 Mathematics and Science Academy and the Board of Higher
25 Education require the approval of the Board of Higher Education
26 and the Governor. Transfers among appropriations to all other

1 agencies require the approval of the Governor.

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

15 (e) The State Board of Education, in consultation with the
16 State Comptroller, may transfer line item appropriations for
17 General State Aid between the Common School Fund and the
18 Education Assistance Fund. With the advice and consent of the
19 Governor's Office of Management and Budget, the State Board of
20 Education, in consultation with the State Comptroller, may
21 transfer line item appropriations between the General Revenue
22 Fund and the Education Assistance Fund for the following
23 programs:

24 (1) Disabled Student Personnel Reimbursement (Section
25 14-13.01 of the School Code);

26 (2) Disabled Student Transportation Reimbursement

- 1 (subsection (b) of Section 14-13.01 of the School Code);
- 2 (3) Disabled Student Tuition - Private Tuition
- 3 (Section 14-7.02 of the School Code);
- 4 (4) Extraordinary Special Education (Section 14-7.02b
- 5 of the School Code);
- 6 (5) Reimbursement for Free Lunch/Breakfast Programs;
- 7 (6) Summer School Payments (Section 18-4.3 of the
- 8 School Code);
- 9 (7) Transportation - Regular/Vocational Reimbursement
- 10 (Section 29-5 of the School Code);
- 11 (8) Regular Education Reimbursement (Section 18-3 of
- 12 the School Code); and
- 13 (9) Special Education Reimbursement (Section 14-7.03
- 14 of the School Code).
- 15 (Source: P.A. 97-689, eff. 7-1-12; 98-24, eff. 6-19-13; 98-674,
- 16 eff. 6-30-14.)

17 Section 20. The School Code is amended by changing Section

18 18-8.05 as follows:

19 (105 ILCS 5/18-8.05)

20 Sec. 18-8.05. Basis for apportionment of general State

21 financial aid and supplemental general State aid to the common

22 schools for the 1998-1999 and subsequent school years.

23 (A) General Provisions.

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

17 (2) In addition to general State financial aid, school
18 districts with specified levels or concentrations of pupils
19 from low income households are eligible to receive supplemental
20 general State financial aid grants as provided pursuant to
21 subsection (H). The supplemental State aid grants provided for
22 school districts under subsection (H) shall be appropriated for
23 distribution to school districts as part of the same line item
24 in which the general State financial aid of school districts is
25 appropriated under this Section.

26 (3) To receive financial assistance under this Section,

1 school districts are required to file claims with the State
2 Board of Education, subject to the following requirements:

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

19 (b) School district claims filed under this Section are
20 subject to Sections 18-9 and 18-12, except as otherwise
21 provided in this Section.

22 (c) If a school district operates a full year school
23 under Section 10-19.1, the general State aid to the school
24 district shall be determined by the State Board of
25 Education in accordance with this Section as near as may be
26 applicable.

1 (d) (Blank).

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

6 School districts are not required to exert a minimum
7 Operating Tax Rate in order to qualify for assistance under
8 this Section.

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

11 (a) "Average Daily Attendance": A count of pupil
12 attendance in school, averaged as provided for in
13 subsection (C) and utilized in deriving per pupil financial
14 support levels.

15 (b) "Available Local Resources": A computation of
16 local financial support, calculated on the basis of Average
17 Daily Attendance and derived as provided pursuant to
18 subsection (D).

19 (c) "Corporate Personal Property Replacement Taxes":
20 Funds paid to local school districts pursuant to "An Act in
21 relation to the abolition of ad valorem personal property
22 tax and the replacement of revenues lost thereby, and
23 amending and repealing certain Acts and parts of Acts in
24 connection therewith", certified August 14, 1979, as
25 amended (Public Act 81-1st S.S.-1).

26 (d) "Foundation Level": A prescribed level of per pupil

1 financial support as provided for in subsection (B).

2 (e) "Operating Tax Rate": All school district property
3 taxes extended for all purposes, except Bond and Interest,
4 Summer School, Rent, Capital Improvement, and Vocational
5 Education Building purposes.

6 (B) Foundation Level.

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

17 (2) For the 1998-1999 school year, the Foundation Level of
18 support is \$4,225. For the 1999-2000 school year, the
19 Foundation Level of support is \$4,325. For the 2000-2001 school
20 year, the Foundation Level of support is \$4,425. For the
21 2001-2002 school year and 2002-2003 school year, the Foundation
22 Level of support is \$4,560. For the 2003-2004 school year, the
23 Foundation Level of support is \$4,810. For the 2004-2005 school
24 year, the Foundation Level of support is \$4,964. For the
25 2005-2006 school year, the Foundation Level of support is

1 \$5,164. For the 2006-2007 school year, the Foundation Level of
2 support is \$5,334. For the 2007-2008 school year, the
3 Foundation Level of support is \$5,734. For the 2008-2009 school
4 year, the Foundation Level of support is \$5,959.

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

9 (C) Average Daily Attendance.

10 (1) For purposes of calculating general State aid pursuant
11 to subsection (E), an Average Daily Attendance figure shall be
12 utilized. The Average Daily Attendance figure for formula
13 calculation purposes shall be the monthly average of the actual
14 number of pupils in attendance of each school district, as
15 further averaged for the best 3 months of pupil attendance for
16 each school district. In compiling the figures for the number
17 of pupils in attendance, school districts and the State Board
18 of Education shall, for purposes of general State aid funding,
19 conform attendance figures to the requirements of subsection
20 (F).

21 (2) The Average Daily Attendance figures utilized in
22 subsection (E) shall be the requisite attendance data for the
23 school year immediately preceding the school year for which
24 general State aid is being calculated or the average of the
25 attendance data for the 3 preceding school years, whichever is

1 greater. The Average Daily Attendance figures utilized in
2 subsection (H) shall be the requisite attendance data for the
3 school year immediately preceding the school year for which
4 general State aid is being calculated.

5 (D) Available Local Resources.

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

16 (2) In determining a school district's revenue from local
17 property taxes, the State Board of Education shall utilize the
18 equalized assessed valuation of all taxable property of each
19 school district as of September 30 of the previous year. The
20 equalized assessed valuation utilized shall be obtained and
21 determined as provided in subsection (G).

22 (3) For school districts maintaining grades kindergarten
23 through 12, local property tax revenues per pupil shall be
24 calculated as the product of the applicable equalized assessed
25 valuation for the district multiplied by 3.00%, and divided by

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

11 For partial elementary unit districts created pursuant to
12 Article 11E of this Code, local property tax revenues per pupil
13 shall be calculated as the product of the equalized assessed
14 valuation for property within the partial elementary unit
15 district for elementary purposes, as defined in Article 11E of
16 this Code, multiplied by 2.06% and divided by the district's
17 Average Daily Attendance figure, plus the product of the
18 equalized assessed valuation for property within the partial
19 elementary unit district for high school purposes, as defined
20 in Article 11E of this Code, multiplied by 0.94% and divided by
21 the district's Average Daily Attendance figure.

22 (4) The Corporate Personal Property Replacement Taxes paid
23 to each school district during the calendar year one year
24 before the calendar year in which a school year begins, divided
25 by the Average Daily Attendance figure for that district, shall
26 be added to the local property tax revenues per pupil as

1 derived by the application of the immediately preceding
2 paragraph (3). The sum of these per pupil figures for each
3 school district shall constitute Available Local Resources as
4 that term is utilized in subsection (E) in the calculation of
5 general State aid.

6 (E) Computation of General State Aid.

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

10 (2) For any school district for which Available Local
11 Resources per pupil is less than the product of 0.93 times the
12 Foundation Level, general State aid for that district shall be
13 calculated as an amount equal to the Foundation Level minus
14 Available Local Resources, multiplied by the Average Daily
15 Attendance of the school district.

16 (3) For any school district for which Available Local
17 Resources per pupil is equal to or greater than the product of
18 0.93 times the Foundation Level and less than the product of
19 1.75 times the Foundation Level, the general State aid per
20 pupil shall be a decimal proportion of the Foundation Level
21 derived using a linear algorithm. Under this linear algorithm,
22 the calculated general State aid per pupil shall decline in
23 direct linear fashion from 0.07 times the Foundation Level for
24 a school district with Available Local Resources equal to the
25 product of 0.93 times the Foundation Level, to 0.05 times the

1 Foundation Level for a school district with Available Local
2 Resources equal to the product of 1.75 times the Foundation
3 Level. The allocation of general State aid for school districts
4 subject to this paragraph 3 shall be the calculated general
5 State aid per pupil figure multiplied by the Average Daily
6 Attendance of the school district.

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

12 (5) The amount of general State aid allocated to a school
13 district for the 1999-2000 school year meeting the requirements
14 set forth in paragraph (4) of subsection (G) shall be increased
15 by an amount equal to the general State aid that would have
16 been received by the district for the 1998-1999 school year by
17 utilizing the Extension Limitation Equalized Assessed
18 Valuation as calculated in paragraph (4) of subsection (G) less
19 the general State aid allotted for the 1998-1999 school year.
20 This amount shall be deemed a one time increase, and shall not
21 affect any future general State aid allocations.

22 (F) Compilation of Average Daily Attendance.

23 (1) Each school district shall, by July 1 of each year,
24 submit to the State Board of Education, on forms prescribed by
25 the State Board of Education, attendance figures for the school

1 year that began in the preceding calendar year. The attendance
2 information so transmitted shall identify the average daily
3 attendance figures for each month of the school year. Beginning
4 with the general State aid claim form for the 2002-2003 school
5 year, districts shall calculate Average Daily Attendance as
6 provided in subdivisions (a), (b), and (c) of this paragraph
7 (1).

8 (a) In districts that do not hold year-round classes,
9 days of attendance in August shall be added to the month of
10 September and any days of attendance in June shall be added
11 to the month of May.

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

16 (c) In districts in which some buildings, but not all,
17 hold year-round classes, for the non-year-round buildings,
18 days of attendance in August shall be added to the month of
19 September and any days of attendance in June shall be added
20 to the month of May. The average daily attendance for the
21 year-round buildings shall be computed as provided in
22 subdivision (b) of this paragraph (1). To calculate the
23 Average Daily Attendance for the district, the average
24 daily attendance for the year-round buildings shall be
25 multiplied by the days in session for the non-year-round
26 buildings for each month and added to the monthly

1 attendance of the non-year-round buildings.

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

11 Days of attendance by tuition pupils shall be accredited
12 only to the districts that pay the tuition to a recognized
13 school.

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

17 (a) Pupils regularly enrolled in a public school for
18 only a part of the school day may be counted on the basis
19 of 1/6 day for every class hour of instruction of 40
20 minutes or more attended pursuant to such enrollment,
21 unless a pupil is enrolled in a block-schedule format of 80
22 minutes or more of instruction, in which case the pupil may
23 be counted on the basis of the proportion of minutes of
24 school work completed each day to the minimum number of
25 minutes that school work is required to be held that day.

26 (b) (Blank).

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

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

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

1 the district.

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

8 (f) A session of at least 4 clock hours may be counted
9 as a day of attendance for first grade pupils, and pupils
10 in full day kindergartens, and a session of 2 or more hours
11 may be counted as 1/2 day of attendance by pupils in
12 kindergartens which provide only 1/2 day of attendance.

13 (g) For children with disabilities who are below the
14 age of 6 years and who cannot attend 2 or more clock hours
15 because of their disability or immaturity, a session of not
16 less than one clock hour may be counted as 1/2 day of
17 attendance; however for such children whose educational
18 needs so require a session of 4 or more clock hours may be
19 counted as a full day of attendance.

20 (h) A recognized kindergarten which provides for only
21 1/2 day of attendance by each pupil shall not have more
22 than 1/2 day of attendance counted in any one day. However,
23 kindergartens may count 2 1/2 days of attendance in any 5
24 consecutive school days. When a pupil attends such a
25 kindergarten for 2 half days on any one school day, the
26 pupil shall have the following day as a day absent from

1 school, unless the school district obtains permission in
2 writing from the State Superintendent of Education.
3 Attendance at kindergartens which provide for a full day of
4 attendance by each pupil shall be counted the same as
5 attendance by first grade pupils. Only the first year of
6 attendance in one kindergarten shall be counted, except in
7 case of children who entered the kindergarten in their
8 fifth year whose educational development requires a second
9 year of kindergarten as determined under the rules and
10 regulations of the State Board of Education.

11 (i) On the days when the assessment that includes a
12 college and career ready determination is administered
13 under subsection (c) of Section 2-3.64a-5 of this Code, the
14 day of attendance for a pupil whose school day must be
15 shortened to accommodate required testing procedures may
16 be less than 5 clock hours and shall be counted towards the
17 176 days of actual pupil attendance required under Section
18 10-19 of this Code, provided that a sufficient number of
19 minutes of school work in excess of 5 clock hours are first
20 completed on other school days to compensate for the loss
21 of school work on the examination days.

22 (j) Pupils enrolled in a remote educational program
23 established under Section 10-29 of this Code may be counted
24 on the basis of one-fifth day of attendance for every clock
25 hour of instruction attended in the remote educational
26 program, provided that, in any month, the school district

1 may not claim for a student enrolled in a remote
2 educational program more days of attendance than the
3 maximum number of days of attendance the district can claim
4 (i) for students enrolled in a building holding year-round
5 classes if the student is classified as participating in
6 the remote educational program on a year-round schedule or
7 (ii) for students enrolled in a building not holding
8 year-round classes if the student is not classified as
9 participating in the remote educational program on a
10 year-round schedule.

11 (G) Equalized Assessed Valuation Data.

12 (1) For purposes of the calculation of Available Local
13 Resources required pursuant to subsection (D), the State Board
14 of Education shall secure from the Department of Revenue the
15 value as equalized or assessed by the Department of Revenue of
16 all taxable property of every school district, together with
17 (i) the applicable tax rate used in extending taxes for the
18 funds of the district as of September 30 of the previous year
19 and (ii) the limiting rate for all school districts subject to
20 property tax extension limitations as imposed under the
21 Property Tax Extension Limitation Law.

22 The Department of Revenue shall add to the equalized
23 assessed value of all taxable property of each school district
24 situated entirely or partially within a county that is or was
25 subject to the provisions of Section 15-176 or 15-177 of the

1 Property Tax Code (a) an amount equal to the total amount by
2 which the homestead exemption allowed under Section 15-176 or
3 15-177 of the Property Tax Code for real property situated in
4 that school district exceeds the total amount that would have
5 been allowed in that school district if the maximum reduction
6 under Section 15-176 was (i) \$4,500 in Cook County or \$3,500 in
7 all other counties in tax year 2003 or (ii) \$5,000 in all
8 counties in tax year 2004 and thereafter and (b) an amount
9 equal to the aggregate amount for the taxable year of all
10 additional exemptions under Section 15-175 of the Property Tax
11 Code for owners with a household income of \$30,000 or less. The
12 county clerk of any county that is or was subject to the
13 provisions of Section 15-176 or 15-177 of the Property Tax Code
14 shall annually calculate and certify to the Department of
15 Revenue for each school district all homestead exemption
16 amounts under Section 15-176 or 15-177 of the Property Tax Code
17 and all amounts of additional exemptions under Section 15-175
18 of the Property Tax Code for owners with a household income of
19 \$30,000 or less. It is the intent of this paragraph that if the
20 general homestead exemption for a parcel of property is
21 determined under Section 15-176 or 15-177 of the Property Tax
22 Code rather than Section 15-175, then the calculation of
23 Available Local Resources shall not be affected by the
24 difference, if any, between the amount of the general homestead
25 exemption allowed for that parcel of property under Section
26 15-176 or 15-177 of the Property Tax Code and the amount that

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

9 This equalized assessed valuation, as adjusted further by
10 the requirements of this subsection, shall be utilized in the
11 calculation of Available Local Resources.

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

14 (a) For the purposes of calculating State aid under
15 this Section, with respect to any part of a school district
16 within a redevelopment project area in respect to which a
17 municipality has adopted tax increment allocation
18 financing pursuant to the Tax Increment Allocation
19 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11
20 of the Illinois Municipal Code or the Industrial Jobs
21 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the
22 Illinois Municipal Code, no part of the current equalized
23 assessed valuation of real property located in any such
24 project area which is attributable to an increase above the
25 total initial equalized assessed valuation of such
26 property shall be used as part of the equalized assessed

1 valuation of the district, until such time as all
2 redevelopment project costs have been paid, as provided in
3 Section 11-74.4-8 of the Tax Increment Allocation
4 Redevelopment Act or in Section 11-74.6-35 of the
5 Industrial Jobs Recovery Law. For the purpose of the
6 equalized assessed valuation of the district, the total
7 initial equalized assessed valuation or the current
8 equalized assessed valuation, whichever is lower, shall be
9 used until such time as all redevelopment project costs
10 have been paid.

11 (b) The real property equalized assessed valuation for
12 a school district shall be adjusted by subtracting from the
13 real property value as equalized or assessed by the
14 Department of Revenue for the district an amount computed
15 by dividing the amount of any abatement of taxes under
16 Section 18-170 of the Property Tax Code by 3.00% for a
17 district maintaining grades kindergarten through 12, by
18 2.30% for a district maintaining grades kindergarten
19 through 8, or by 1.05% for a district maintaining grades 9
20 through 12 and adjusted by an amount computed by dividing
21 the amount of any abatement of taxes under subsection (a)
22 of Section 18-165 of the Property Tax Code by the same
23 percentage rates for district type as specified in this
24 subparagraph (b).

25 (3) For the 1999-2000 school year and each school year
26 thereafter, if a school district meets all of the criteria of

1 this subsection (G) (3), the school district's Available Local
2 Resources shall be calculated under subsection (D) using the
3 district's Extension Limitation Equalized Assessed Valuation
4 as calculated under this subsection (G) (3).

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

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

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

11 "Preceding Tax Year": The property tax levy year
12 immediately preceding the Base Tax Year.

13 "Base Tax Year's Tax Extension": The product of the
14 equalized assessed valuation utilized by the County Clerk
15 in the Base Tax Year multiplied by the limiting rate as
16 calculated by the County Clerk and defined in the Property
17 Tax Extension Limitation Law.

18 "Preceding Tax Year's Tax Extension": The product of
19 the equalized assessed valuation utilized by the County
20 Clerk in the Preceding Tax Year multiplied by the Operating
21 Tax Rate as defined in subsection (A).

22 "Extension Limitation Ratio": A numerical ratio,
23 certified by the County Clerk, in which the numerator is
24 the Base Tax Year's Tax Extension and the denominator is
25 the Preceding Tax Year's Tax Extension.

26 "Operating Tax Rate": The operating tax rate as defined

1 in subsection (A).

2 If a school district is subject to property tax extension
3 limitations as imposed under the Property Tax Extension
4 Limitation Law, the State Board of Education shall calculate
5 the Extension Limitation Equalized Assessed Valuation of that
6 district. For the 1999-2000 school year, the Extension
7 Limitation Equalized Assessed Valuation of a school district as
8 calculated by the State Board of Education shall be equal to
9 the product of the district's 1996 Equalized Assessed Valuation
10 and the district's Extension Limitation Ratio. Except as
11 otherwise provided in this paragraph for a school district that
12 has approved or does approve an increase in its limiting rate,
13 for the 2000-2001 school year and each school year thereafter,
14 the Extension Limitation Equalized Assessed Valuation of a
15 school district as calculated by the State Board of Education
16 shall be equal to the product of the Equalized Assessed
17 Valuation last used in the calculation of general State aid and
18 the district's Extension Limitation Ratio. If the Extension
19 Limitation Equalized Assessed Valuation of a school district as
20 calculated under this subsection (G)(3) is less than the
21 district's equalized assessed valuation as calculated pursuant
22 to subsections (G)(1) and (G)(2), then for purposes of
23 calculating the district's general State aid for the Budget
24 Year pursuant to subsection (E), that Extension Limitation
25 Equalized Assessed Valuation shall be utilized to calculate the
26 district's Available Local Resources under subsection (D). For

1 the 2009-2010 school year and each school year thereafter, if a
2 school district has approved or does approve an increase in its
3 limiting rate, pursuant to Section 18-190 of the Property Tax
4 Code, affecting the Base Tax Year, the Extension Limitation
5 Equalized Assessed Valuation of the school district, as
6 calculated by the State Board of Education, shall be equal to
7 the product of the Equalized Assessed Valuation last used in
8 the calculation of general State aid times an amount equal to
9 one plus the percentage increase, if any, in the Consumer Price
10 Index for all Urban Consumers for all items published by the
11 United States Department of Labor for the 12-month calendar
12 year preceding the Base Tax Year, plus the Equalized Assessed
13 Valuation of new property, annexed property, and recovered tax
14 increment value and minus the Equalized Assessed Valuation of
15 disconnected property. New property and recovered tax
16 increment value shall have the meanings set forth in the
17 Property Tax Extension Limitation Law.

18 Partial elementary unit districts created in accordance
19 with Article 11E of this Code shall not be eligible for the
20 adjustment in this subsection (G)(3) until the fifth year
21 following the effective date of the reorganization.

22 (3.5) For the 2010-2011 school year and each school year
23 thereafter, if a school district's boundaries span multiple
24 counties, then the Department of Revenue shall send to the
25 State Board of Education, for the purpose of calculating
26 general State aid, the limiting rate and individual rates by

1 purpose for the county that contains the majority of the school
2 district's Equalized Assessed Valuation.

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

23 (5) For school districts having a majority of their
24 equalized assessed valuation in any county except Cook, DuPage,
25 Kane, Lake, McHenry, or Will, if the amount of general State
26 aid allocated to the school district for the 1999-2000 school

1 year under the provisions of subsection (E), (H), and (J) of
2 this Section is less than the amount of general State aid
3 allocated to the district for the 1998-1999 school year under
4 these subsections, then the general State aid of the district
5 for the 1999-2000 school year only shall be increased by the
6 difference between these amounts. The total payments made under
7 this paragraph (5) shall not exceed \$14,000,000. Claims shall
8 be prorated if they exceed \$14,000,000.

9 (H) Supplemental General State Aid.

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

21 (1.5) This paragraph (1.5) applies only to those school
22 years preceding the 2003-2004 school year. For purposes of this
23 subsection (H), the term "Low-Income Concentration Level"
24 shall be the low-income eligible pupil count from the most
25 recently available federal census divided by the Average Daily

1 Attendance of the school district. If, however, (i) the
2 percentage decrease from the 2 most recent federal censuses in
3 the low-income eligible pupil count of a high school district
4 with fewer than 400 students exceeds by 75% or more the
5 percentage change in the total low-income eligible pupil count
6 of contiguous elementary school districts, whose boundaries
7 are coterminous with the high school district, or (ii) a high
8 school district within 2 counties and serving 5 elementary
9 school districts, whose boundaries are coterminous with the
10 high school district, has a percentage decrease from the 2 most
11 recent federal censuses in the low-income eligible pupil count
12 and there is a percentage increase in the total low-income
13 eligible pupil count of a majority of the elementary school
14 districts in excess of 50% from the 2 most recent federal
15 censuses, then the high school district's low-income eligible
16 pupil count from the earlier federal census shall be the number
17 used as the low-income eligible pupil count for the high school
18 district, for purposes of this subsection (H). The changes made
19 to this paragraph (1) by Public Act 92-28 shall apply to
20 supplemental general State aid grants for school years
21 preceding the 2003-2004 school year that are paid in fiscal
22 year 1999 or thereafter and to any State aid payments made in
23 fiscal year 1994 through fiscal year 1998 pursuant to
24 subsection 1(n) of Section 18-8 of this Code (which was
25 repealed on July 1, 1998), and any high school district that is
26 affected by Public Act 92-28 is entitled to a recomputation of

1 its supplemental general State aid grant or State aid paid in
2 any of those fiscal years. This recomputation shall not be
3 affected by any other funding.

4 (1.10) This paragraph (1.10) applies to the 2003-2004
5 school year and each school year thereafter. For purposes of
6 this subsection (H), the term "Low-Income Concentration Level"
7 shall, for each fiscal year, be the low-income eligible pupil
8 count as of July 1 of the immediately preceding fiscal year (as
9 determined by the Department of Human Services based on the
10 number of pupils who are eligible for at least one of the
11 following low income programs: Medicaid, the Children's Health
12 Insurance Program, TANF, or Food Stamps, excluding pupils who
13 are eligible for services provided by the Department of
14 Children and Family Services, averaged over the 2 immediately
15 preceding fiscal years for fiscal year 2004 and over the 3
16 immediately preceding fiscal years for each fiscal year
17 thereafter) divided by the Average Daily Attendance of the
18 school district.

19 (2) Supplemental general State aid pursuant to this
20 subsection (H) shall be provided as follows for the 1998-1999,
21 1999-2000, and 2000-2001 school years only:

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

26 (b) For any school district with a Low Income

1 Concentration Level of at least 35% and less than 50%, the
2 grant for the 1998-1999 school year shall be \$1,100
3 multiplied by the low income eligible pupil count.

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

8 (d) For any school district with a Low Income
9 Concentration Level of 60% or more, the grant for the
10 1998-99 school year shall be \$1,900 multiplied by the low
11 income eligible pupil count.

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

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

20 (2.5) Supplemental general State aid pursuant to this
21 subsection (H) shall be provided as follows for the 2002-2003
22 school year:

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

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

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

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

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

17 (f) For any school district with a Low Income
18 Concentration Level of 60% or more, the grant for each
19 school year shall be \$2,080 multiplied by the low income
20 eligible pupil count.

21 (2.10) Except as otherwise provided, supplemental general
22 State aid pursuant to this subsection (H) shall be provided as
23 follows for the 2003-2004 school year and each school year
24 thereafter:

25 (a) For any school district with a Low Income
26 Concentration Level of 15% or less, the grant for each

1 school year shall be \$355 multiplied by the low income
2 eligible pupil count.

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

8 For the 2003-2004 school year and each school year
9 thereafter through the 2008-2009 school year only, the grant
10 shall be no less than the grant for the 2002-2003 school year.
11 For the 2009-2010 school year only, the grant shall be no less
12 than the grant for the 2002-2003 school year multiplied by
13 0.66. For the 2010-2011 school year only, the grant shall be no
14 less than the grant for the 2002-2003 school year multiplied by
15 0.33. Notwithstanding the provisions of this paragraph to the
16 contrary, if for any school year supplemental general State aid
17 grants are prorated as provided in paragraph (1) of this
18 subsection (H), then the grants under this paragraph shall be
19 prorated.

20 For the 2003-2004 school year only, the grant shall be no
21 greater than the grant received during the 2002-2003 school
22 year added to the product of 0.25 multiplied by the difference
23 between the grant amount calculated under subsection (a) or (b)
24 of this paragraph (2.10), whichever is applicable, and the
25 grant received during the 2002-2003 school year. For the
26 2004-2005 school year only, the grant shall be no greater than

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

12 (3) School districts with an Average Daily Attendance of
13 more than 1,000 and less than 50,000 that qualify for
14 supplemental general State aid pursuant to this subsection
15 shall submit a plan to the State Board of Education prior to
16 October 30 of each year for the use of the funds resulting from
17 this grant of supplemental general State aid for the
18 improvement of instruction in which priority is given to
19 meeting the education needs of disadvantaged children. Such
20 plan shall be submitted in accordance with rules and
21 regulations promulgated by the State Board of Education.

22 (4) School districts with an Average Daily Attendance of
23 50,000 or more that qualify for supplemental general State aid
24 pursuant to this subsection shall be required to distribute
25 from funds available pursuant to this Section, no less than
26 \$261,000,000 in accordance with the following requirements:

1 (a) The required amounts shall be distributed to the
2 attendance centers within the district in proportion to the
3 number of pupils enrolled at each attendance center who are
4 eligible to receive free or reduced-price lunches or
5 breakfasts under the federal Child Nutrition Act of 1966
6 and under the National School Lunch Act during the
7 immediately preceding school year.

8 (b) The distribution of these portions of supplemental
9 and general State aid among attendance centers according to
10 these requirements shall not be compensated for or
11 contravened by adjustments of the total of other funds
12 appropriated to any attendance centers, and the Board of
13 Education shall utilize funding from one or several sources
14 in order to fully implement this provision annually prior
15 to the opening of school.

16 (c) Each attendance center shall be provided by the
17 school district a distribution of noncategorical funds and
18 other categorical funds to which an attendance center is
19 entitled under law in order that the general State aid and
20 supplemental general State aid provided by application of
21 this subsection supplements rather than supplants the
22 noncategorical funds and other categorical funds provided
23 by the school district to the attendance centers.

24 (d) Any funds made available under this subsection that
25 by reason of the provisions of this subsection are not
26 required to be allocated and provided to attendance centers

1 may be used and appropriated by the board of the district
2 for any lawful school purpose.

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

16 (f) Each district subject to the provisions of this
17 subdivision (H) (4) shall submit an acceptable plan to meet
18 the educational needs of disadvantaged children, in
19 compliance with the requirements of this paragraph, to the
20 State Board of Education prior to July 15 of each year.
21 This plan shall be consistent with the decisions of local
22 school councils concerning the school expenditure plans
23 developed in accordance with part 4 of Section 34-2.3. The
24 State Board shall approve or reject the plan within 60 days
25 after its submission. If the plan is rejected, the district
26 shall give written notice of intent to modify the plan

1 within 15 days of the notification of rejection and then
2 submit a modified plan within 30 days after the date of the
3 written notice of intent to modify. Districts may amend
4 approved plans pursuant to rules promulgated by the State
5 Board of Education.

6 Upon notification by the State Board of Education that
7 the district has not submitted a plan prior to July 15 or a
8 modified plan within the time period specified herein, the
9 State aid funds affected by that plan or modified plan
10 shall be withheld by the State Board of Education until a
11 plan or modified plan is submitted.

12 If the district fails to distribute State aid to
13 attendance centers in accordance with an approved plan, the
14 plan for the following year shall allocate funds, in
15 addition to the funds otherwise required by this
16 subsection, to those attendance centers which were
17 underfunded during the previous year in amounts equal to
18 such underfunding.

19 For purposes of determining compliance with this
20 subsection in relation to the requirements of attendance
21 center funding, each district subject to the provisions of
22 this subsection shall submit as a separate document by
23 December 1 of each year a report of expenditure data for
24 the prior year in addition to any modification of its
25 current plan. If it is determined that there has been a
26 failure to comply with the expenditure provisions of this

1 subsection regarding contravention or supplanting, the
2 State Superintendent of Education shall, within 60 days of
3 receipt of the report, notify the district and any affected
4 local school council. The district shall within 45 days of
5 receipt of that notification inform the State
6 Superintendent of Education of the remedial or corrective
7 action to be taken, whether by amendment of the current
8 plan, if feasible, or by adjustment in the plan for the
9 following year. Failure to provide the expenditure report
10 or the notification of remedial or corrective action in a
11 timely manner shall result in a withholding of the affected
12 funds.

13 The State Board of Education shall promulgate rules and
14 regulations to implement the provisions of this
15 subsection. No funds shall be released under this
16 subdivision (H) (4) to any district that has not submitted a
17 plan that has been approved by the State Board of
18 Education.

19 (I) (Blank).

20 (J) (Blank).

21 (K) Grants to Laboratory and Alternative Schools.

22 In calculating the amount to be paid to the governing board
23 of a public university that operates a laboratory school under

1 this Section or to any alternative school that is operated by a
2 regional superintendent of schools, the State Board of
3 Education shall require by rule such reporting requirements as
4 it deems necessary.

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

17 As used in this Section, "alternative school" means a
18 public school which is created and operated by a Regional
19 Superintendent of Schools and approved by the State Board of
20 Education. Such alternative schools may offer courses of
21 instruction for which credit is given in regular school
22 programs, courses to prepare students for the high school
23 equivalency testing program or vocational and occupational
24 training. A regional superintendent of schools may contract
25 with a school district or a public community college district
26 to operate an alternative school. An alternative school serving

1 more than one educational service region may be established by
2 the regional superintendents of schools of the affected
3 educational service regions. An alternative school serving
4 more than one educational service region may be operated under
5 such terms as the regional superintendents of schools of those
6 educational service regions may agree.

7 Each laboratory and alternative school shall file, on forms
8 provided by the State Superintendent of Education, an annual
9 State aid claim which states the Average Daily Attendance of
10 the school's students by month. The best 3 months' Average
11 Daily Attendance shall be computed for each school. The general
12 State aid entitlement shall be computed by multiplying the
13 applicable Average Daily Attendance by the Foundation Level as
14 determined under this Section.

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

16 (1) For a school district operating under the financial
17 supervision of an Authority created under Article 34A, the
18 general State aid otherwise payable to that district under this
19 Section, but not the supplemental general State aid, shall be
20 reduced by an amount equal to the budget for the operations of
21 the Authority as certified by the Authority to the State Board
22 of Education, and an amount equal to such reduction shall be
23 paid to the Authority created for such district for its
24 operating expenses in the manner provided in Section 18-11. The
25 remainder of general State school aid for any such district

1 shall be paid in accordance with Article 34A when that Article
2 provides for a disposition other than that provided by this
3 Article.

4 (2) (Blank).

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

7 (M) Education Funding Advisory Board.

8 The Education Funding Advisory Board, hereinafter in this
9 subsection (M) referred to as the "Board", is hereby created.
10 The Board shall consist of 5 members who are appointed by the
11 Governor, by and with the advice and consent of the Senate. The
12 members appointed shall include representatives of education,
13 business, and the general public. One of the members so
14 appointed shall be designated by the Governor at the time the
15 appointment is made as the chairperson of the Board. The
16 initial members of the Board may be appointed any time after
17 the effective date of this amendatory Act of 1997. The regular
18 term of each member of the Board shall be for 4 years from the
19 third Monday of January of the year in which the term of the
20 member's appointment is to commence, except that of the 5
21 initial members appointed to serve on the Board, the member who
22 is appointed as the chairperson shall serve for a term that
23 commences on the date of his or her appointment and expires on
24 the third Monday of January, 2002, and the remaining 4 members,
25 by lots drawn at the first meeting of the Board that is held

1 after all 5 members are appointed, shall determine 2 of their
2 number to serve for terms that commence on the date of their
3 respective appointments and expire on the third Monday of
4 January, 2001, and 2 of their number to serve for terms that
5 commence on the date of their respective appointments and
6 expire on the third Monday of January, 2000. All members
7 appointed to serve on the Board shall serve until their
8 respective successors are appointed and confirmed. Vacancies
9 shall be filled in the same manner as original appointments. If
10 a vacancy in membership occurs at a time when the Senate is not
11 in session, the Governor shall make a temporary appointment
12 until the next meeting of the Senate, when he or she shall
13 appoint, by and with the advice and consent of the Senate, a
14 person to fill that membership for the unexpired term. If the
15 Senate is not in session when the initial appointments are
16 made, those appointments shall be made as in the case of
17 vacancies.

18 The Education Funding Advisory Board shall be deemed
19 established, and the initial members appointed by the Governor
20 to serve as members of the Board shall take office, on the date
21 that the Governor makes his or her appointment of the fifth
22 initial member of the Board, whether those initial members are
23 then serving pursuant to appointment and confirmation or
24 pursuant to temporary appointments that are made by the
25 Governor as in the case of vacancies.

26 The State Board of Education shall provide such staff

1 assistance to the Education Funding Advisory Board as is
2 reasonably required for the proper performance by the Board of
3 its responsibilities.

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

18 (N) (Blank).

19 (O) References.

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

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

4 (P) Public Act 93-838 and Public Act 93-808 make inconsistent
5 changes to this Section. Under Section 6 of the Statute on
6 Statutes there is an irreconcilable conflict between Public Act
7 93-808 and Public Act 93-838. Public Act 93-838, being the last
8 acted upon, is controlling. The text of Public Act 93-838 is
9 the law regardless of the text of Public Act 93-808.

10 (Q) State Fiscal Year 2015 Payments.

11 For payments made for State fiscal year 2015, the State
12 Board of Education shall, for each school district, calculate
13 that district's pro-rata share of a minimum sum of \$13,600,000
14 or additional amounts as needed from the total net General
15 State Aid funding as calculated under this Section that shall
16 be deemed attributable to the provision of special educational
17 facilities and services, as defined in Section 14-1.08 of this
18 Code, in a manner that ensures compliance with maintenance of
19 State financial support requirements under the federal
20 Individuals with Disabilities Education Act. Each school
21 district must use such funds only for the provision of special
22 educational facilities and services, as defined in Section
23 14-1.08 of this Code, and must comply with any expenditure
24 verification procedures adopted by the State Board of

1 Education.

2 (Source: P.A. 97-339, eff. 8-12-11; 97-351, eff. 8-12-11;
3 97-742, eff. 6-30-13; 97-813, eff. 7-13-12; 98-972, eff.
4 8-15-14.)

5 Section 25. The Illinois Public Aid Code is amended by
6 adding Section 5-5b.1 and by changing Sections 5-5e, 5A-2,
7 5A-10, and 14-12 as follows:

8 (305 ILCS 5/5-5b.1 new)

9 Sec. 5-5b.1. Reimbursement rates; Fiscal Year 2015
10 reductions.

11 (a) Except as provided in subsection (b), notwithstanding
12 any other provision of this Code to the contrary, and subject
13 to rescission if not federally approved, providers of the
14 following services shall have their reimbursement rates or
15 dispensing fees reduced for the remainder of State fiscal year
16 2015 by an amount equivalent to a 2.25% reduction in
17 appropriations from the General Revenue Fund for the medical
18 assistance program for the full fiscal year:

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

21 (2) Home health services.

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

24 (4) Services delivered by a supportive living facility

1 as defined in Section 5-5.01a.

2 (5) Services delivered by a specialized mental health
3 rehabilitation facility licensed under the Specialized
4 Mental Health Rehabilitation Act of 2013.

5 (6) Ambulance services.

6 (7) Pharmacy services.

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

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

13 (10) Services for the treatment of hemophilia.

14 (11) Primary care physician services.

15 (12) Dental services.

16 (13) Optometric services.

17 (14) Podiatry services.

18 (15) Hospice care, including routine home care,
19 continuous home care, inpatient respite care, and general
20 inpatient care.

21 (16) Laboratory services or services provided by
22 independent laboratories.

23 (17) Durable medical equipment and supplies.

24 (18) Renal dialysis services.

25 (19) Birth Center Services.

26 (20) Emergency services other than those offered by or

1 in a hospital.

2 (b) No provider shall be exempt from the rate reductions
3 authorized under this Section, except that, rates or payments,
4 or the portion thereof, paid to a provider that is operated by
5 a unit of local government that provides the non-federal share
6 of such services shall not be reduced as provided in this
7 Section.

8 (c) To the extent practical and subject to rescission if
9 not federally approved, the reductions required under this
10 Section must be applied uniformly among and within each group,
11 class, subgroup, or category of providers listed in this
12 Section.

13 (d) In order to provide for the expeditious and timely
14 implementation of the provisions of this Section, emergency
15 rules to implement any provision of this Section may be adopted
16 by the Department in accordance with subsection (s) of Section
17 5-45 of the Illinois Administrative Procedure Act.

18 (305 ILCS 5/5-5e)

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

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

21 (a) Rates or payments for services in effect on June 30,
22 2012 shall be adjusted and services shall be affected as
23 required by any other provision of this amendatory Act of the
24 97th General Assembly. In addition, the Department shall do the
25 following:

1 (1) Delink the per diem rate paid for supportive living
2 facility services from the per diem rate paid for nursing
3 facility services, effective for services provided on or
4 after May 1, 2011.

5 (2) Cease payment for bed reserves in nursing
6 facilities and specialized mental health rehabilitation
7 facilities.

8 (2.5) Cease payment for bed reserves for purposes of
9 inpatient hospitalizations to intermediate care facilities
10 for persons with development disabilities, except in the
11 instance of residents who are under 21 years of age.

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

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

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

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

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

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

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

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

23 (7) Rates or payments for services provided under
24 capitation rates shall be adjusted taking into
25 consideration the rates reduction and covered services
26 required by this amendatory Act of the 97th General

1 Assembly.

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

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

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

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

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

25 (f) Notwithstanding any other provision of this Code to the
26 contrary, subject to federal approval under Title XIX of the

1 Social Security Act, for dates of service on and after July 1,
2 2014, rates or payments for the certified nursing assistant
3 component of the home health agency rate shall be \$20.
4 (Source: P.A. 97-689, eff. 6-14-12; 98-104, eff. 7-22-13;
5 98-651, eff. 6-16-14.)

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

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

8 (a) Rates or payments for services in effect on June 30,
9 2012 shall be adjusted and services shall be affected as
10 required by any other provision of this amendatory Act of the
11 97th General Assembly. In addition, the Department shall do the
12 following:

13 (1) Delink the per diem rate paid for supportive living
14 facility services from the per diem rate paid for nursing
15 facility services, effective for services provided on or
16 after May 1, 2011.

17 (2) Cease payment for bed reserves in nursing
18 facilities and specialized mental health rehabilitation
19 facilities; for purposes of therapeutic home visits for
20 individuals scoring as TBI on the MDS 3.0, beginning June
21 1, 2015, the Department shall approve payments for bed
22 reserves in nursing facilities and specialized mental
23 health rehabilitation facilities that have at least a 90%
24 occupancy level and at least 80% of their residents are
25 Medicaid eligible. Payment shall be at a daily rate of 75%

1 of an individual's current Medicaid per diem and shall not
2 exceed 10 days in a calendar month.

3 (2.5) Cease payment for bed reserves for purposes of
4 inpatient hospitalizations to intermediate care facilities
5 for persons with development disabilities, except in the
6 instance of residents who are under 21 years of age.

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

10 (b) After the application of subsection (a),
11 notwithstanding any other provision of this Code to the
12 contrary and to the extent permitted by federal law, on and
13 after July 1, 2012, the rates of reimbursement for services and
14 other payments provided under this Code shall further be
15 reduced as follows:

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

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

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

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

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

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

18 (7) Rates or payments for services provided under
19 capitation rates shall be adjusted taking into
20 consideration the rates reduction and covered services
21 required by this amendatory Act of the 97th General
22 Assembly.

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

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

5 (c) Any assessment imposed by this Code shall continue and
6 nothing in this Section shall be construed to cause it to
7 cease.

8 (d) Notwithstanding any other provision of this Code to the
9 contrary, subject to federal approval under Title XIX of the
10 Social Security Act, for dates of service on and after July 1,
11 2014, rates or payments for services provided for the purpose
12 of transitioning children from a hospital to home placement or
13 other appropriate setting by a children's community-based
14 health care center authorized under the Alternative Health Care
15 Delivery Act shall be \$683 per day.

16 (e) Notwithstanding any other provision of this Code to the
17 contrary, subject to federal approval under Title XIX of the
18 Social Security Act, for dates of service on and after July 1,
19 2014, rates or payments for home health visits shall be \$72.

20 (f) 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 the certified nursing assistant
24 component of the home health agency rate shall be \$20.

25 (Source: P.A. 97-689, eff. 6-14-12; 98-104, eff. 7-22-13;
26 98-651, eff. 6-16-14; 98-1166, eff. 6-1-15.)

1 (305 ILCS 5/5A-2) (from Ch. 23, par. 5A-2)

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

3 Sec. 5A-2. Assessment.

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

21 For State fiscal years 2009 through 2014 and after, a
22 hospital's occupied bed days and Medicare bed days shall be
23 determined using the most recent data available from each
24 hospital's 2005 Medicare cost report as contained in the
25 Healthcare Cost Report Information System file, for the quarter

1 ending on December 31, 2006, without regard to any subsequent
2 adjustments or changes to such data. If a hospital's 2005
3 Medicare cost report is not contained in the Healthcare Cost
4 Report Information System, then the Illinois Department may
5 obtain the hospital provider's occupied bed days and Medicare
6 bed days from any source available, including, but not limited
7 to, records maintained by the hospital provider, which may be
8 inspected at all times during business hours of the day by the
9 Illinois Department or its duly authorized agents and
10 employees.

11 (b) (Blank).

12 (b-5) Subject to Sections 5A-3 and 5A-10, for the portion
13 of State fiscal year 2012, beginning June 10, 2012 through June
14 30, 2012, and for State fiscal years 2013 through 2018, an
15 annual assessment on outpatient services is imposed on each
16 hospital provider in an amount equal to .008766 multiplied by
17 the hospital's outpatient gross revenue, provided, however,
18 that the amount of .008766 shall be increased by a uniform
19 percentage to generate an amount equal to 25% of the State
20 share of the payments authorized under Section 12-5, with such
21 increase only taking effect upon the date that a State share
22 for such payments is required under federal law. For the period
23 beginning June 10, 2012 through June 30, 2012, the annual
24 assessment on outpatient services shall be prorated by
25 multiplying the assessment amount by a fraction, the numerator
26 of which is 21 days and the denominator of which is 365 days.

1 For the period of April through June 2015, the amount of
2 .008766 used to calculate the assessment under this paragraph
3 shall, by emergency rule under subsection (s) of Section 5-45
4 of the Illinois Administrative Procedure Act, be increased by a
5 uniform percentage to generate \$6,750,000 in the aggregate for
6 that period from all hospitals subject to the annual assessment
7 under this paragraph.

8 For the portion of State fiscal year 2012, beginning June
9 10, 2012 through June 30, 2012, and State fiscal years 2013
10 through 2018, a hospital's outpatient gross revenue shall be
11 determined using the most recent data available from each
12 hospital's 2009 Medicare cost report as contained in the
13 Healthcare Cost Report Information System file, for the quarter
14 ending on June 30, 2011, without regard to any subsequent
15 adjustments or changes to such data. If a hospital's 2009
16 Medicare cost report is not contained in the Healthcare Cost
17 Report Information System, then the Department may obtain the
18 hospital provider's outpatient gross revenue from any source
19 available, including, but not limited to, records maintained by
20 the hospital provider, which may be inspected at all times
21 during business hours of the day by the Department or its duly
22 authorized agents and employees.

23 (c) (Blank).

24 (d) Notwithstanding any of the other provisions of this
25 Section, the Department is authorized to adopt rules to reduce
26 the rate of any annual assessment imposed under this Section,

1 as authorized by Section 5-46.2 of the Illinois Administrative
2 Procedure Act.

3 (e) Notwithstanding any other provision of this Section,
4 any plan providing for an assessment on a hospital provider as
5 a permissible tax under Title XIX of the federal Social
6 Security Act and Medicaid-eligible payments to hospital
7 providers from the revenues derived from that assessment shall
8 be reviewed by the Illinois Department of Healthcare and Family
9 Services, as the Single State Medicaid Agency required by
10 federal law, to determine whether those assessments and
11 hospital provider payments meet federal Medicaid standards. If
12 the Department determines that the elements of the plan may
13 meet federal Medicaid standards and a related State Medicaid
14 Plan Amendment is prepared in a manner and form suitable for
15 submission, that State Plan Amendment shall be submitted in a
16 timely manner for review by the Centers for Medicare and
17 Medicaid Services of the United States Department of Health and
18 Human Services and subject to approval by the Centers for
19 Medicare and Medicaid Services of the United States Department
20 of Health and Human Services. No such plan shall become
21 effective without approval by the Illinois General Assembly by
22 the enactment into law of related legislation. Notwithstanding
23 any other provision of this Section, the Department is
24 authorized to adopt rules to reduce the rate of any annual
25 assessment imposed under this Section. Any such rules may be
26 adopted by the Department under Section 5-50 of the Illinois

1 Administrative Procedure Act.

2 (Source: P.A. 97-688, eff. 6-14-12; 97-689, eff. 6-14-12;
3 98-104, eff. 7-22-13; 98-651, eff. 6-16-14.)

4 (305 ILCS 5/5A-10) (from Ch. 23, par. 5A-10)

5 Sec. 5A-10. Applicability.

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

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

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

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

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

25 (C) any changes proposed in State plan amendment

1 transmittal numbers 08-01, 08-02, 08-04, 08-06, and
2 08-07;

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

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

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

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

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

1 shall be refunded to hospital providers in proportion to the
2 amounts paid by them.

3 (c) The assessments imposed by subsection (b-5) of Section
4 5A-2 shall not take effect or shall cease to be imposed, the
5 Department's obligation to make payments shall immediately
6 cease, and any moneys remaining in the Fund shall be refunded
7 to hospital providers in proportion to the amounts paid by
8 them, if the payments to hospitals required under Section
9 5A-12.4 are not eligible for federal matching funds under Title
10 XIX of the Social Security Act.

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

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

25 (2) for State fiscal years 2013 through 2018, the
26 Department reduces any supplemental payments made to

1 hospitals below the amounts paid for services provided in
2 State fiscal year 2011 as implemented by administrative
3 rules adopted and in effect on or prior to June 30, 2011,
4 except for any changes affecting hospitals authorized in
5 Public Act 97-689 and any changes authorized by Section
6 14-12 of this Code, and except for any changes authorized
7 under Section 5A-15, and except for any changes authorized
8 under Section 5-5b.1; or

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

15 (Source: P.A. 97-72, eff. 7-1-11; 97-74, eff. 6-30-11; 97-688,
16 eff. 6-14-12; 97-689, eff. 6-14-12; 98-463, eff. 8-16-13;
17 98-651, eff. 6-16-14.)

18 (305 ILCS 5/14-12)

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

22 (a) Inpatient hospital services. Effective for discharges
23 on and after July 1, 2014, reimbursement for inpatient general
24 acute care services shall utilize the All Patient Refined
25 Diagnosis Related Grouping (APR-DRG) software, version 30,

1 distributed by 3MTM Health Information System.

2 (1) The Department shall establish Medicaid weighting
3 factors to be used in the reimbursement system established
4 under this subsection. Initial weighting factors shall be
5 the weighting factors as published by 3M Health Information
6 System, associated with Version 30.0 adjusted for the
7 Illinois experience.

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

13 (3) In addition to the statewide-standardized amount,
14 the Department shall develop adjusters to adjust the rate
15 of reimbursement for critical Medicaid providers or
16 services for trauma, transplantation services, perinatal
17 care, and Graduate Medical Education (GME).

18 (4) The Department shall develop add-on payments to
19 account for exceptionally costly inpatient stays,
20 consistent with Medicare outlier principles. Outlier fixed
21 loss thresholds may be updated to control for excessive
22 growth in outlier payments no more frequently than on an
23 annual basis, but at least triennially. Upon updating the
24 fixed loss thresholds, the Department shall be required to
25 update base rates within 12 months.

26 (5) The Department shall define those hospitals or

1 distinct parts of hospitals that shall be exempt from the
2 APR-DRG reimbursement system established under this
3 Section. The Department shall publish these hospitals'
4 inpatient rates on its website no later than 10 calendar
5 days prior to their effective date.

6 (6) Beginning July 1, 2014 and ending on June 30, 2018,
7 in addition to the statewide-standardized amount, the
8 Department shall develop an adjustor to adjust the rate of
9 reimbursement for safety-net hospitals defined in Section
10 5-5e.1 of this Code excluding pediatric hospitals.

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

18 (b) Outpatient hospital services. Effective for dates of
19 service on and after July 1, 2014, reimbursement for outpatient
20 services shall utilize the Enhanced Ambulatory Procedure
21 Grouping (E-APG) software, version 3.7 distributed by 3M™
22 Health Information System.

23 (1) The Department shall establish Medicaid weighting
24 factors to be used in the reimbursement system established
25 under this subsection. The initial weighting factors shall
26 be the weighting factors as published by 3M Health

1 Information System, associated with Version 3.7.

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

5 (A) The initial statewide standardized amounts,
6 with the labor portion adjusted by the Calendar Year
7 2013 Medicare Outpatient Prospective Payment System
8 wage index with reclassifications, shall be published
9 by the Department on its website no later than 10
10 calendar days prior to their effective date.

11 (B) The Department shall establish adjustments to
12 the statewide-standardized amounts for each Critical
13 Access Hospital, as designated by the Department of
14 Public Health in accordance with 42 CFR 485, Subpart F.
15 The EAPG standardized amounts are determined
16 separately for each critical access hospital such that
17 simulated EAPG payments using outpatient base period
18 paid claim data plus payments under Section 5A-12.4 of
19 this Code net of the associated tax costs are equal to
20 the estimated costs of outpatient base period claims
21 data with a rate year cost inflation factor applied.

22 (3) In addition to the statewide-standardized amounts,
23 the Department shall develop adjusters to adjust the rate
24 of reimbursement for critical Medicaid hospital outpatient
25 providers or services, including outpatient high volume or
26 safety-net hospitals.

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

12 (d) Transition period. There shall be a transition period
13 to the reimbursement systems authorized under this Section that
14 shall begin on the effective date of these systems and continue
15 until June 30, 2018, unless extended by rule by the Department.
16 To help provide an orderly and predictable transition to the
17 new reimbursement systems and to preserve and enhance access to
18 the hospital services during this transition, the Department
19 shall allocate a transitional hospital access pool of at least
20 \$290,000,000 annually so that transitional hospital access
21 payments are made to hospitals.

22 (1) After the transition period, the Department may
23 begin incorporating the transitional hospital access pool
24 into the base rate structure.

25 (2) After the transition period, if the Department
26 reduces payments from the transitional hospital access

1 pool, it shall increase base rates, develop new adjustors,
2 adjust current adjustors, develop new hospital access
3 payments based on updated information, or any combination
4 thereof by an amount equal to the decreases proposed in the
5 transitional hospital access pool payments, ensuring that
6 the entire transitional hospital access pool amount shall
7 continue to be used for hospital payments.

8 (e) Beginning 36 months after initial implementation, the
9 Department shall update the reimbursement components in
10 subsections (a) and (b), including standardized amounts and
11 weighting factors, and at least triennially and no more
12 frequently than annually thereafter. The Department shall
13 publish these updates on its website no later than 30 calendar
14 days prior to their effective date.

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

21 (g) Notwithstanding subsections (a) through (f) of this
22 Section and notwithstanding the changes authorized under
23 Section 5-5b.1, any updates to the system shall not result in
24 any diminishment of the overall effective rates of
25 reimbursement as of the implementation date of the new system
26 (July 1, 2014). These updates shall not preclude variations in

1 any individual component of the system or hospital rate
2 variations. Nothing in this Section shall prohibit the
3 Department from increasing the rates of reimbursement or
4 developing payments to ensure access to hospital services.
5 Nothing in this Section shall be construed to guarantee a
6 minimum amount of spending in the aggregate or per hospital as
7 spending may be impacted by factors including but not limited
8 to the number of individuals in the medical assistance program
9 and the severity of illness of the individuals.

10 (h) The Department shall have the authority to modify by
11 rulemaking any changes to the rates or methodologies in this
12 Section as required by the federal government to obtain federal
13 financial participation for expenditures made under this
14 Section.

15 (i) Except for subsections (g) and (h) of this Section, the
16 Department shall, pursuant to subsection (c) of Section 5-40 of
17 the Illinois Administrative Procedure Act, provide for
18 presentation at the June 2014 hearing of the Joint Committee on
19 Administrative Rules (JCAR) additional written notice to JCAR
20 of the following rules in order to commence the second notice
21 period for the following rules: rules published in the Illinois
22 Register, rule dated February 21, 2014 at 38 Ill. Reg. 4559
23 (Medical Payment), 4628 (Specialized Health Care Delivery
24 Systems), 4640 (Hospital Services), 4932 (Diagnostic Related
25 Grouping (DRG) Prospective Payment System (PPS)), and 4977
26 (Hospital Reimbursement Changes), and published in the

1 Illinois Register dated March 21, 2014 at 38 Ill. Reg. 6499
2 (Specialized Health Care Delivery Systems) and 6505 (Hospital
3 Services).
4 (Source: P.A. 98-651, eff. 6-16-14.)

5 Section 95. No acceleration or delay. Where this Act makes
6 changes in a statute that is represented in this Act by text
7 that is not yet or no longer in effect (for example, a Section
8 represented by multiple versions), the use of that text does
9 not accelerate or delay the taking effect of (i) the changes
10 made by this Act or (ii) provisions derived from any other
11 Public Act.

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

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