



## 100TH GENERAL ASSEMBLY

### State of Illinois

### 2017 and 2018

### SB2178

Introduced 3/28/2017, by Sen. William E. Brady

#### SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 100/5-45	from Ch. 127, par. 1005-45
5 ILCS 315/4	from Ch. 48, par. 1604
5 ILCS 315/7	from Ch. 48, par. 1607
5 ILCS 375/6	from Ch. 127, par. 526
305 ILCS 5/5A-10	from Ch. 23, par. 5A-10
30 ILCS 805/8.41 new	

Creates the Budget Management and Control Act. Provides that for State fiscal years 2017, 2018, and 2019, the Governor shall have the authority to transfer amounts from any fund held by the Treasurer to any general fund held by the Treasurer, with certain exceptions. Limits the total amount of transfers made to \$1 billion through fiscal year 2019. Provides the Governor with the authority to modify any statute or rule establishing rates, benefits, or eligibility criteria for payments made by an agency to providers of services of medical assistance under Title XIX or Title XXI of the federal Social Security Act to achieve program savings of up to 5% for fiscal year 2018. Amends the Illinois Administrative Procedure Act to provide for emergency rulemaking. Amends the Illinois Public Labor Relations Act. Provides that design, implementation, and administration of certain health insurance plans is not subject to collective bargaining. Amends the State Employees Group Insurance Act of 1971. Provides that the level of premium contributions for health insurance plans is subject to collective bargaining. Amends the Illinois Public Aid Code to make conforming changes. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB100 12109 JWD 24388 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning finance.

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

4 Section 1. Short title. This Act may be cited as the Budget  
5 Management and Control Act.

6 Section 5. Legislative intent. The State is currently  
7 confronted with an unprecedented fiscal crisis. Although the  
8 Constitution of the State of Illinois requires that spending  
9 not exceed available revenues, the State is currently spending  
10 in excess of estimated revenues during fiscal year 2017, which  
11 is significantly increasing the backlog of unpaid bills.  
12 Without substantial corrective action taken by the General  
13 Assembly, future fiscal years' budgets will also be unbalanced.  
14 This Act is to be liberally construed and interpreted in a  
15 manner that allows the State to address the fiscal crisis.

16 Section 10. Definitions. As used in this Act, "agency"  
17 means the Department on Aging, the Department of Children and  
18 Family Services, the Department of Healthcare and Family  
19 Services, and the Department of Human Services.

20 Section 20. Funds transfers. Notwithstanding any other  
21 provision of law, for the State's fiscal years 2017, 2018, and

1 2019, at the direction of and upon notification from the  
2 Governor, the Comptroller shall direct and the Treasurer shall  
3 transfer an amount specified by the Governor from any fund held  
4 by the Treasurer to any general fund held by the Treasurer;  
5 provided, however, that no transfer may be made out of: (i) any  
6 federal trust fund; (ii) any amount set aside for payment of  
7 debt service; (iii) amounts held in investments or cash by the  
8 State retirement systems governed by Articles 2, 14, 15, 16, or  
9 18 of the Illinois Pension Code; (iv) the Road Fund; or (v)  
10 funds administered or used solely by the General Assembly,  
11 judicial branch, Treasurer, Comptroller, or Secretary of  
12 State. The total amount of transfers made under this Section  
13 shall not exceed \$1 billion through the end of fiscal year  
14 2019.

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

1 Treasurer and Comptroller, in writing, to transfer from the  
2 General Revenue Fund to that fund all or part of the amounts  
3 transferred from that fund under this Section.

4 Section 25. Medical Assistance Program modifications.  
5 Notwithstanding any other provision of law, the Governor may  
6 modify any statute or rule establishing rates, benefits, or  
7 eligibility criteria for payments made by an agency to  
8 providers of services of medical assistance under Title XIX or  
9 Title XXI of the federal Social Security Act to achieve program  
10 savings of up to 5% of spending on Medicaid Title XIX or Title  
11 XXI programs for fiscal year 2018 as estimated by the  
12 Governor's Office of Management and Budget.

13 Section 30. Limitations; notice.

14 (a) The sum of transfers made pursuant to Section 20 and  
15 savings to be realized by the State due to modifications  
16 pursuant to Section 25 shall not exceed for each fiscal year  
17 the amount by which total State spending for that fiscal year  
18 is estimated to exceed available revenues for that fiscal year,  
19 as determined by the Governor's Office of Management and  
20 Budget.

21 (b) The Governor shall provide notice of each transfer made  
22 pursuant to Section 20 and modification pursuant to Section 25  
23 within 10 business days after the action is taken to the Clerk  
24 of the House of Representatives, the Secretary of the Senate,

1 the Commission on Government Forecasting and Accountability,  
2 the Comptroller, and the Treasurer. A copy of such notices, or  
3 a cumulative summary of the actions taken, shall be posted on a  
4 public website maintained by the Governor's Office of  
5 Management and Budget.

6 Section 40. Emergency rules. Notwithstanding any other  
7 provision of law, an agency may adopt emergency rules pursuant  
8 to subsection (y) of Section 5-45 of the Illinois  
9 Administrative Procedure Act to limit, reduce, or adjust  
10 services, payment rates, expenditures, transfers of funds, and  
11 eligibility criteria, to the extent permitted by federal law,  
12 as necessary to implement (i) any transfer of balances pursuant  
13 to Section 20 affecting State funds designated for use by the  
14 agency or (ii) modifications made by the Governor pursuant to  
15 Section 25. Nothing in this Section shall require rulemaking if  
16 the limitation, reduction, or adjustment would otherwise be  
17 within the authority of the agency without rulemaking.

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

20 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

21 (Text of Section before amendment by P.A. 99-906)

22 Sec. 5-45. Emergency rulemaking.

23 (a) "Emergency" means the existence of any situation that

1 any agency finds reasonably constitutes a threat to the public  
2 interest, safety, or welfare.

3 (b) If any agency finds that an emergency exists that  
4 requires adoption of a rule upon fewer days than is required by  
5 Section 5-40 and states in writing its reasons for that  
6 finding, the agency may adopt an emergency rule without prior  
7 notice or hearing upon filing a notice of emergency rulemaking  
8 with the Secretary of State under Section 5-70. The notice  
9 shall include the text of the emergency rule and shall be  
10 published in the Illinois Register. Consent orders or other  
11 court orders adopting settlements negotiated by an agency may  
12 be adopted under this Section. Subject to applicable  
13 constitutional or statutory provisions, an emergency rule  
14 becomes effective immediately upon filing under Section 5-65 or  
15 at a stated date less than 10 days thereafter. The agency's  
16 finding and a statement of the specific reasons for the finding  
17 shall be filed with the rule. The agency shall take reasonable  
18 and appropriate measures to make emergency rules known to the  
19 persons who may be affected by them.

20 (c) An emergency rule may be effective for a period of not  
21 longer than 150 days, but the agency's authority to adopt an  
22 identical rule under Section 5-40 is not precluded. No  
23 emergency rule may be adopted more than once in any 24-month ~~24~~  
24 ~~month~~ period, except that this limitation on the number of  
25 emergency rules that may be adopted in a 24-month ~~24-month~~  
26 period does not apply to (i) emergency rules that make

1 additions to and deletions from the Drug Manual under Section  
2 5-5.16 of the Illinois Public Aid Code or the generic drug  
3 formulary under Section 3.14 of the Illinois Food, Drug and  
4 Cosmetic Act, (ii) emergency rules adopted by the Pollution  
5 Control Board before July 1, 1997 to implement portions of the  
6 Livestock Management Facilities Act, (iii) emergency rules  
7 adopted by the Illinois Department of Public Health under  
8 subsections (a) through (i) of Section 2 of the Department of  
9 Public Health Act when necessary to protect the public's  
10 health, (iv) emergency rules adopted pursuant to subsection (n)  
11 of this Section, (v) emergency rules adopted pursuant to  
12 subsection (o) of this Section, ~~or~~ (vi) emergency rules adopted  
13 pursuant to subsection (c-5) of this Section, or (vii)  
14 emergency rules adopted pursuant to subsection (y) of this  
15 Section. Two or more emergency rules having substantially the  
16 same purpose and effect shall be deemed to be a single rule for  
17 purposes of this Section.

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

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

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

25           (f) In order to provide for the expeditious and timely  
26 implementation of the State's fiscal year 2001 budget,



1 emergency rules to implement any provision of Public Act 91-712  
2 or any other budget initiative for fiscal year 2001 may be  
3 adopted in accordance with this Section by the agency charged  
4 with administering that provision or initiative, except that  
5 the 24-month limitation on the adoption of emergency rules and  
6 the provisions of Sections 5-115 and 5-125 do not apply to  
7 rules adopted under this subsection (f). The adoption of  
8 emergency rules authorized by this subsection (f) shall be  
9 deemed to be necessary for the public interest, safety, and  
10 welfare.

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

23 (h) In order to provide for the expeditious and timely  
24 implementation of the State's fiscal year 2003 budget,  
25 emergency rules to implement any provision of Public Act 92-597  
26 or any other budget initiative for fiscal year 2003 may be

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

9 (i) In order to provide for the expeditious and timely  
10 implementation of the State's fiscal year 2004 budget,  
11 emergency rules to implement any provision of Public Act 93-20  
12 or any other budget initiative for fiscal year 2004 may be  
13 adopted in accordance with this Section by the agency charged  
14 with administering that provision or initiative, except that  
15 the 24-month limitation on the adoption of emergency rules and  
16 the provisions of Sections 5-115 and 5-125 do not apply to  
17 rules adopted under this subsection (i). The adoption of  
18 emergency rules authorized by this subsection (i) shall be  
19 deemed to be necessary for the public interest, safety, and  
20 welfare.

21 (j) In order to provide for the expeditious and timely  
22 implementation of the provisions of the State's fiscal year  
23 2005 budget as provided under the Fiscal Year 2005 Budget  
24 Implementation (Human Services) Act, emergency rules to  
25 implement any provision of the Fiscal Year 2005 Budget  
26 Implementation (Human Services) Act may be adopted in

1 accordance with this Section by the agency charged with  
2 administering that provision, except that the 24-month  
3 limitation on the adoption of emergency rules and the  
4 provisions of Sections 5-115 and 5-125 do not apply to rules  
5 adopted under this subsection (j). The Department of Public Aid  
6 may also adopt rules under this subsection (j) necessary to  
7 administer the Illinois Public Aid Code and the Children's  
8 Health Insurance Program Act. The adoption of emergency rules  
9 authorized by this subsection (j) shall be deemed to be  
10 necessary for the public interest, safety, and welfare.

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

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

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

17 (m) In order to provide for the expeditious and timely  
18 implementation of the provisions of the State's fiscal year  
19 2008 budget, the Department of Healthcare and Family Services  
20 may adopt emergency rules during fiscal year 2008, including  
21 rules effective July 1, 2008, in accordance with this  
22 subsection to the extent necessary to administer the  
23 Department's responsibilities with respect to amendments to  
24 the State plans and Illinois waivers approved by the federal  
25 Centers for Medicare and Medicaid Services necessitated by the  
26 requirements of Title XIX and Title XXI of the federal Social

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

4 (n) In order to provide for the expeditious and timely  
5 implementation of the provisions of the State's fiscal year  
6 2010 budget, emergency rules to implement any provision of  
7 Public Act 96-45 or any other budget initiative authorized by  
8 the 96th General Assembly for fiscal year 2010 may be adopted  
9 in accordance with this Section by the agency charged with  
10 administering that provision or initiative. The adoption of  
11 emergency rules authorized by this subsection (n) shall be  
12 deemed to be necessary for the public interest, safety, and  
13 welfare. The rulemaking authority granted in this subsection  
14 (n) shall apply only to rules promulgated during Fiscal Year  
15 2010.

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

1 effective date of Public Act 96-958) through June 30, 2011.

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

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

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

1 implementation of the provisions of Public Act 98-651,  
2 emergency rules to implement Public Act 98-651 may be adopted  
3 in accordance with this subsection (r) by the Department of  
4 Healthcare and Family Services. The 24-month limitation on the  
5 adoption of emergency rules does not apply to rules adopted  
6 under this subsection (r). The adoption of emergency rules  
7 authorized by this subsection (r) is deemed to be necessary for  
8 the public interest, safety, and welfare.

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

22 (t) In order to provide for the expeditious and timely  
23 implementation of the provisions of Article II of Public Act  
24 99-6, emergency rules to implement the changes made by Article  
25 II of Public Act 99-6 to the Emergency Telephone System Act may  
26 be adopted in accordance with this subsection (t) by the

1 Department of State Police. The rulemaking authority granted in  
2 this subsection (t) shall apply only to those rules adopted  
3 prior to July 1, 2016. The 24-month limitation on the adoption  
4 of emergency rules does not apply to rules adopted under this  
5 subsection (t). The adoption of emergency rules authorized by  
6 this subsection (t) is deemed to be necessary for the public  
7 interest, safety, and welfare.

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

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



1 interest, safety, and welfare.

2 (w) ~~(v)~~ In order to provide for the expeditious and timely  
3 implementation of the provisions of Public Act 99-796 ~~this~~  
4 ~~amendatory Act of the 99th General Assembly~~, emergency rules to  
5 implement the changes made by Public Act 99-796 ~~this amendatory~~  
6 ~~Act of the 99th General Assembly~~ may be adopted in accordance  
7 with this subsection (w) ~~(v)~~ by the Adjutant General. The  
8 adoption of emergency rules authorized by this subsection (w)  
9 ~~(v)~~ is deemed to be necessary for the public interest, safety,  
10 and welfare.

11 (y) In order to provide for the expeditious and timely  
12 implementation of the provisions of the State's budget for  
13 medical assistance under Title XIX or XXI of the federal Social  
14 Security Act, emergency rules to implement any provision of  
15 this amendatory Act of the 100th General Assembly may be  
16 adopted in accordance with this Section by each agency as  
17 defined in the Budget Management and Control Act. The adoption  
18 of emergency rules authorized by this subsection (y) shall be  
19 deemed to be necessary for the public interest, safety, and  
20 welfare.

21 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;  
22 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16;  
23 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff.  
24 6-30-16; 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; revised  
25 9-21-16.)

1 (Text of Section after amendment by P.A. 99-906)

2 Sec. 5-45. Emergency rulemaking.

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

6 (b) If any agency finds that an emergency exists that  
7 requires adoption of a rule upon fewer days than is required by  
8 Section 5-40 and states in writing its reasons for that  
9 finding, the agency may adopt an emergency rule without prior  
10 notice or hearing upon filing a notice of emergency rulemaking  
11 with the Secretary of State under Section 5-70. The notice  
12 shall include the text of the emergency rule and shall be  
13 published in the Illinois Register. Consent orders or other  
14 court orders adopting settlements negotiated by an agency may  
15 be adopted under this Section. Subject to applicable  
16 constitutional or statutory provisions, an emergency rule  
17 becomes effective immediately upon filing under Section 5-65 or  
18 at a stated date less than 10 days thereafter. The agency's  
19 finding and a statement of the specific reasons for the finding  
20 shall be filed with the rule. The agency shall take reasonable  
21 and appropriate measures to make emergency rules known to the  
22 persons who may be affected by them.

23 (c) An emergency rule may be effective for a period of not  
24 longer than 150 days, but the agency's authority to adopt an  
25 identical rule under Section 5-40 is not precluded. No  
26 emergency rule may be adopted more than once in any 24-month

1 period, except that this limitation on the number of emergency  
2 rules that may be adopted in a 24-month period does not apply  
3 to (i) emergency rules that make additions to and deletions  
4 from the Drug Manual under Section 5-5.16 of the Illinois  
5 Public Aid Code or the generic drug formulary under Section  
6 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)  
7 emergency rules adopted by the Pollution Control Board before  
8 July 1, 1997 to implement portions of the Livestock Management  
9 Facilities Act, (iii) emergency rules adopted by the Illinois  
10 Department of Public Health under subsections (a) through (i)  
11 of Section 2 of the Department of Public Health Act when  
12 necessary to protect the public's health, (iv) emergency rules  
13 adopted pursuant to subsection (n) of this Section, (v)  
14 emergency rules adopted pursuant to subsection (o) of this  
15 Section, ~~or~~ (vi) emergency rules adopted pursuant to subsection  
16 (c-5) of this Section, or (vii) emergency rules adopted  
17 pursuant to subsection (y) of this Section. Two or more  
18 emergency rules having substantially the same purpose and  
19 effect shall be deemed to be a single rule for purposes of this  
20 Section.

21 (c-5) To facilitate the maintenance of the program of group  
22 health benefits provided to annuitants, survivors, and retired  
23 employees under the State Employees Group Insurance Act of  
24 1971, rules to alter the contributions to be paid by the State,  
25 annuitants, survivors, retired employees, or any combination  
26 of those entities, for that program of group health benefits,

1 shall be adopted as emergency rules. The adoption of those  
2 rules shall be considered an emergency and necessary for the  
3 public interest, safety, and welfare.

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

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

1 welfare.

2 (f) In order to provide for the expeditious and timely  
3 implementation of the State's fiscal year 2001 budget,  
4 emergency rules to implement any provision of Public Act 91-712  
5 or any other budget initiative for fiscal year 2001 may be  
6 adopted in accordance with this Section by the agency charged  
7 with administering that provision or initiative, except that  
8 the 24-month limitation on the adoption of emergency rules and  
9 the provisions of Sections 5-115 and 5-125 do not apply to  
10 rules adopted under this subsection (f). The adoption of  
11 emergency rules authorized by this subsection (f) shall be  
12 deemed to be necessary for the public interest, safety, and  
13 welfare.

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

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

1 implementation of the State's fiscal year 2003 budget,  
2 emergency rules to implement any provision of Public Act 92-597  
3 or any other budget initiative for fiscal year 2003 may be  
4 adopted in accordance with this Section by the agency charged  
5 with administering that provision or initiative, except that  
6 the 24-month limitation on the adoption of emergency rules and  
7 the provisions of Sections 5-115 and 5-125 do not apply to  
8 rules adopted under this subsection (h). The adoption of  
9 emergency rules authorized by this subsection (h) shall be  
10 deemed to be necessary for the public interest, safety, and  
11 welfare.

12 (i) In order to provide for the expeditious and timely  
13 implementation of the State's fiscal year 2004 budget,  
14 emergency rules to implement any provision of Public Act 93-20  
15 or any other budget initiative for fiscal year 2004 may be  
16 adopted in accordance with this Section by the agency charged  
17 with administering that provision or initiative, except that  
18 the 24-month limitation on the adoption of emergency rules and  
19 the provisions of Sections 5-115 and 5-125 do not apply to  
20 rules adopted under this subsection (i). The adoption of  
21 emergency rules authorized by this subsection (i) shall be  
22 deemed to be necessary for the public interest, safety, and  
23 welfare.

24 (j) In order to provide for the expeditious and timely  
25 implementation of the provisions of the State's fiscal year  
26 2005 budget as provided under the Fiscal Year 2005 Budget

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

14 (k) In order to provide for the expeditious and timely  
15 implementation of the provisions of the State's fiscal year  
16 2006 budget, emergency rules to implement any provision of  
17 Public Act 94-48 or any other budget initiative for fiscal year  
18 2006 may be adopted in accordance with this Section by the  
19 agency charged with administering that provision or  
20 initiative, except that the 24-month limitation on the adoption  
21 of emergency rules and the provisions of Sections 5-115 and  
22 5-125 do not apply to rules adopted under this subsection (k).  
23 The Department of Healthcare and Family Services may also adopt  
24 rules under this subsection (k) necessary to administer the  
25 Illinois Public Aid Code, the Senior Citizens and Persons with  
26 Disabilities Property Tax Relief Act, the Senior Citizens and

1 Disabled Persons Prescription Drug Discount Program Act (now  
2 the Illinois Prescription Drug Discount Program Act), and the  
3 Children's Health Insurance Program Act. The adoption of  
4 emergency rules authorized by this subsection (k) shall be  
5 deemed to be necessary for the public interest, safety, and  
6 welfare.

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

20 (m) In order to provide for the expeditious and timely  
21 implementation of the provisions of the State's fiscal year  
22 2008 budget, the Department of Healthcare and Family Services  
23 may adopt emergency rules during fiscal year 2008, including  
24 rules effective July 1, 2008, in accordance with this  
25 subsection to the extent necessary to administer the  
26 Department's responsibilities with respect to amendments to



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

7 (n) In order to provide for the expeditious and timely  
8 implementation of the provisions of the State's fiscal year  
9 2010 budget, emergency rules to implement any provision of  
10 Public Act 96-45 or any other budget initiative authorized by  
11 the 96th General Assembly for fiscal year 2010 may be adopted  
12 in accordance with this Section by the agency charged with  
13 administering that provision or initiative. The adoption of  
14 emergency rules authorized by this subsection (n) shall be  
15 deemed to be necessary for the public interest, safety, and  
16 welfare. The rulemaking authority granted in this subsection  
17 (n) shall apply only to rules promulgated during Fiscal Year  
18 2010.

19 (o) In order to provide for the expeditious and timely  
20 implementation of the provisions of the State's fiscal year  
21 2011 budget, emergency rules to implement any provision of  
22 Public Act 96-958 or any other budget initiative authorized by  
23 the 96th General Assembly for fiscal year 2011 may be adopted  
24 in accordance with this Section by the agency charged with  
25 administering that provision or initiative. The adoption of  
26 emergency rules authorized by this subsection (o) is deemed to

1 be necessary for the public interest, safety, and welfare. The  
2 rulemaking authority granted in this subsection (o) applies  
3 only to rules promulgated on or after July 1, 2010 (the  
4 effective date of Public Act 96-958) through June 30, 2011.

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

18 (q) In order to provide for the expeditious and timely  
19 implementation of the provisions of Articles 7, 8, 9, 11, and  
20 12 of Public Act 98-104, emergency rules to implement any  
21 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104  
22 may be adopted in accordance with this subsection (q) by the  
23 agency charged with administering that provision or  
24 initiative. The 24-month limitation on the adoption of  
25 emergency rules does not apply to rules adopted under this  
26 subsection (q). The adoption of emergency rules authorized by

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

3 (r) In order to provide for the expeditious and timely  
4 implementation of the provisions of Public Act 98-651,  
5 emergency rules to implement Public Act 98-651 may be adopted  
6 in accordance with this subsection (r) by the Department of  
7 Healthcare and Family Services. The 24-month limitation on the  
8 adoption of emergency rules does not apply to rules adopted  
9 under this subsection (r). The adoption of emergency rules  
10 authorized by this subsection (r) is deemed to be necessary for  
11 the public interest, safety, and welfare.

12 (s) In order to provide for the expeditious and timely  
13 implementation of the provisions of Sections 5-5b.1 and 5A-2 of  
14 the Illinois Public Aid Code, emergency rules to implement any  
15 provision of Section 5-5b.1 or Section 5A-2 of the Illinois  
16 Public Aid Code may be adopted in accordance with this  
17 subsection (s) by the Department of Healthcare and Family  
18 Services. The rulemaking authority granted in this subsection  
19 (s) shall apply only to those rules adopted prior to July 1,  
20 2015. Notwithstanding any other provision of this Section, any  
21 emergency rule adopted under this subsection (s) shall only  
22 apply to payments made for State fiscal year 2015. The adoption  
23 of emergency rules authorized by this subsection (s) is deemed  
24 to be necessary for the public interest, safety, and welfare.

25 (t) In order to provide for the expeditious and timely  
26 implementation of the provisions of Article II of Public Act

1 99-6, emergency rules to implement the changes made by Article  
2 II of Public Act 99-6 to the Emergency Telephone System Act may  
3 be adopted in accordance with this subsection (t) by the  
4 Department of State Police. The rulemaking authority granted in  
5 this subsection (t) shall apply only to those rules adopted  
6 prior to July 1, 2016. The 24-month limitation on the adoption  
7 of emergency rules does not apply to rules adopted under this  
8 subsection (t). The adoption of emergency rules authorized by  
9 this subsection (t) is deemed to be necessary for the public  
10 interest, safety, and welfare.

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

20 (v) In order to provide for the expeditious and timely  
21 implementation of the provisions of Public Act 99-516,  
22 emergency rules to implement Public Act 99-516 may be adopted  
23 in accordance with this subsection (v) by the Department of  
24 Healthcare and Family Services. The 24-month limitation on the  
25 adoption of emergency rules does not apply to rules adopted  
26 under this subsection (v). The adoption of emergency rules

1 authorized by this subsection (v) is deemed to be necessary for  
2 the public interest, safety, and welfare.

3 (w) In order to provide for the expeditious and timely  
4 implementation of the provisions of Public Act 99-796,  
5 emergency rules to implement the changes made by Public Act  
6 99-796 may be adopted in accordance with this subsection (w) by  
7 the Adjutant General. The adoption of emergency rules  
8 authorized by this subsection (w) is deemed to be necessary for  
9 the public interest, safety, and welfare.

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

23 (y) In order to provide for the expeditious and timely  
24 implementation of the provisions of the State's budget for  
25 medical assistance under Title XIX or XXI of the federal Social  
26 Security Act, emergency rules to implement any provision of

1 this amendatory Act of the 100th General Assembly may be  
2 adopted in accordance with this Section by each agency as  
3 defined in the Budget Management and Control Act. The adoption  
4 of emergency rules authorized by this subsection (y) shall be  
5 deemed to be necessary for the public interest, safety, and  
6 welfare.

7 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;  
8 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16;  
9 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff.  
10 6-30-16; 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906,  
11 eff. 6-1-17; revised 1-1-17.)

12 Section 110. The Illinois Public Labor Relations Act is  
13 amended by changing Sections 4 and 7 as follows:

14 (5 ILCS 315/4) (from Ch. 48, par. 1604)

15 (Text of Section WITH the changes made by P.A. 98-599,  
16 which has been held unconstitutional)

17 Sec. 4. Management Rights. Employers shall not be required  
18 to bargain over matters of inherent managerial policy, which  
19 shall include such areas of discretion or policy as the  
20 functions of the employer, standards of services, its overall  
21 budget, the organizational structure and selection of new  
22 employees, examination techniques and direction of employees.  
23 Employers, however, shall be required to bargain collectively  
24 with regard to policy matters directly affecting wages, hours

1 and terms and conditions of employment as well as the impact  
2 thereon upon request by employee representatives, except as  
3 provided in Section 7.5.

4 To preserve the rights of employers and exclusive  
5 representatives which have established collective bargaining  
6 relationships or negotiated collective bargaining agreements  
7 prior to the effective date of this Act, employers shall be  
8 required to bargain collectively with regard to any matter  
9 concerning wages, hours or conditions of employment about which  
10 they have bargained for and agreed to in a collective  
11 bargaining agreement prior to the effective date of this Act,  
12 except as provided in Section 7.5.

13 The chief judge of the judicial circuit that employs a  
14 public employee who is a court reporter, as defined in the  
15 Court Reporters Act, has the authority to hire, appoint,  
16 promote, evaluate, discipline, and discharge court reporters  
17 within that judicial circuit.

18 Nothing in this amendatory Act of the 94th General Assembly  
19 shall be construed to intrude upon the judicial functions of  
20 any court. This amendatory Act of the 94th General Assembly  
21 applies only to nonjudicial administrative matters relating to  
22 the collective bargaining rights of court reporters.

23 Only with respect to the State of Illinois as a public  
24 employer, the design, implementation, and administration of  
25 health insurance plans wherein the combination of employee  
26 premiums and out-of-pocket costs for such plans do not exceed

1 40% of total active employee healthcare costs, in aggregate, as  
2 determined by actuaries contracted by the State, is an inherent  
3 management right, and shall not be the subject of negotiations  
4 between the State of Illinois as a public employer and any  
5 exclusive representative of public employees. The State of  
6 Illinois may elect to negotiate over other health insurance  
7 plans, but permissive negotiations over such matters shall not  
8 impair or impact the State's ability to design, implement, or  
9 administer the health insurance plan identified in this  
10 paragraph of Section 4 of this Act as amended by this  
11 Amendatory Act of 100th General Assembly.

12 (Source: P.A. 98-599, eff. 6-1-14.)

13 (Text of Section WITHOUT the changes made by P.A. 98-599,  
14 which has been held unconstitutional)

15 Sec. 4. Management Rights. Employers shall not be required  
16 to bargain over matters of inherent managerial policy, which  
17 shall include such areas of discretion or policy as the  
18 functions of the employer, standards of services, its overall  
19 budget, the organizational structure and selection of new  
20 employees, examination techniques and direction of employees.  
21 Employers, however, shall be required to bargain collectively  
22 with regard to policy matters directly affecting wages, hours  
23 and terms and conditions of employment as well as the impact  
24 thereon upon request by employee representatives.

25 To preserve the rights of employers and exclusive



1 representatives which have established collective bargaining  
2 relationships or negotiated collective bargaining agreements  
3 prior to the effective date of this Act, employers shall be  
4 required to bargain collectively with regard to any matter  
5 concerning wages, hours or conditions of employment about which  
6 they have bargained for and agreed to in a collective  
7 bargaining agreement prior to the effective date of this Act.

8 The chief judge of the judicial circuit that employs a  
9 public employee who is a court reporter, as defined in the  
10 Court Reporters Act, has the authority to hire, appoint,  
11 promote, evaluate, discipline, and discharge court reporters  
12 within that judicial circuit.

13 Nothing in this amendatory Act of the 94th General Assembly  
14 shall be construed to intrude upon the judicial functions of  
15 any court. This amendatory Act of the 94th General Assembly  
16 applies only to nonjudicial administrative matters relating to  
17 the collective bargaining rights of court reporters.

18 Only with respect to the State of Illinois as a public  
19 employer, the design, implementation, and administration of  
20 health insurance plans wherein the combination of employee  
21 premiums and out-of-pocket costs for such plans do not exceed  
22 40% of total active employee healthcare costs, in aggregate, as  
23 determined by actuaries contracted by the State, is an inherent  
24 management right, and shall not be the subject of negotiations  
25 between the State of Illinois as a public employer and any  
26 exclusive representative of public employees. The State of

1 Illinois may elect to negotiate over other health insurance  
2 plans, but permissive negotiations over such matters shall not  
3 impair or impact the State's ability to design, implement, or  
4 administer the health insurance plan identified in this  
5 paragraph of Section 4 of this Act as amended by this  
6 Amendatory Act of 100th General Assembly.

7 (Source: P.A. 94-98, eff. 7-1-05.)

8 (5 ILCS 315/7) (from Ch. 48, par. 1607)

9 Sec. 7. Duty to bargain. A public employer and the  
10 exclusive representative have the authority and the duty to  
11 bargain collectively set forth in this Section.

12 For the purposes of this Act, "to bargain collectively"  
13 means the performance of the mutual obligation of the public  
14 employer or his designated representative and the  
15 representative of the public employees to meet at reasonable  
16 times, including meetings in advance of the budget-making  
17 process, and to negotiate in good faith with respect to wages,  
18 hours, and other conditions of employment, not excluded by  
19 Section 4 of this Act, or the negotiation of an agreement, or  
20 any question arising thereunder and the execution of a written  
21 contract incorporating any agreement reached if requested by  
22 either party, but such obligation does not compel either party  
23 to agree to a proposal or require the making of a concession.

24 The duty "to bargain collectively" shall also include an  
25 obligation to negotiate over any matter with respect to wages,

1 hours and other conditions of employment, not specifically  
2 provided for in any other law or not specifically in violation  
3 of the provisions of any law. If any other law pertains, in  
4 part, to a matter affecting the wages, hours and other  
5 conditions of employment, such other law shall not be construed  
6 as limiting the duty "to bargain collectively" and to enter  
7 into collective bargaining agreements containing clauses which  
8 either supplement, implement, or relate to the effect of such  
9 provisions in other laws.

10 The duty "to bargain collectively" shall also include  
11 negotiations as to the terms of a collective bargaining  
12 agreement. The parties may, by mutual agreement, provide for  
13 arbitration of impasses resulting from their inability to agree  
14 upon wages, hours and terms and conditions of employment to be  
15 included in a collective bargaining agreement. Such  
16 arbitration provisions shall be subject to the Illinois  
17 "Uniform Arbitration Act" unless agreed by the parties.

18 The duty "to bargain collectively" shall also mean that no  
19 party to a collective bargaining contract shall terminate or  
20 modify such contract, unless the party desiring such  
21 termination or modification:

22 (1) serves a written notice upon the other party to the  
23 contract of the proposed termination or modification 60  
24 days prior to the expiration date thereof, or in the event  
25 such contract contains no expiration date, 60 days prior to  
26 the time it is proposed to make such termination or

1 modification;

2 (2) offers to meet and confer with the other party for  
3 the purpose of negotiating a new contract or a contract  
4 containing the proposed modifications;

5 (3) notifies the Board within 30 days after such notice  
6 of the existence of a dispute, provided no agreement has  
7 been reached by that time; and

8 (4) continues in full force and effect, without  
9 resorting to strike or lockout, all the terms and  
10 conditions of the existing contract for a period of 60 days  
11 after such notice is given to the other party or until the  
12 expiration date of such contract, whichever occurs later.

13 The duties imposed upon employers, employees and labor  
14 organizations by paragraphs (2), (3) and (4) shall become  
15 inapplicable upon an intervening certification of the Board,  
16 under which the labor organization, which is a party to the  
17 contract, has been superseded as or ceased to be the exclusive  
18 representative of the employees pursuant to the provisions of  
19 subsection (a) of Section 9, and the duties so imposed shall  
20 not be construed as requiring either party to discuss or agree  
21 to any modification of the terms and conditions contained in a  
22 contract for a fixed period, if such modification is to become  
23 effective before such terms and conditions can be reopened  
24 under the provisions of the contract.

25 Collective bargaining for home care and home health workers  
26 who function as personal assistants and individual maintenance

1 home health workers under the Home Services Program shall be  
2 limited to the terms and conditions of employment under the  
3 State's control, as defined in Public Act 93-204 or this  
4 amendatory Act of the 97th General Assembly, as applicable.

5 Collective bargaining for child and day care home providers  
6 under the child care assistance program shall be limited to the  
7 terms and conditions of employment under the State's control,  
8 as defined in this amendatory Act of the 94th General Assembly.

9 Notwithstanding any other provision of this Section,  
10 whenever collective bargaining is for the purpose of  
11 establishing an initial agreement following original  
12 certification of units with fewer than 35 employees, with  
13 respect to public employees other than peace officers, fire  
14 fighters, and security employees, the following apply:

15 (1) Not later than 10 days after receiving a written  
16 request for collective bargaining from a labor  
17 organization that has been newly certified as a  
18 representative as defined in Section 6(c), or within such  
19 further period as the parties agree upon, the parties shall  
20 meet and commence to bargain collectively and shall make  
21 every reasonable effort to conclude and sign a collective  
22 bargaining agreement.

23 (2) If anytime after the expiration of the 90-day  
24 period beginning on the date on which bargaining is  
25 commenced the parties have failed to reach an agreement,  
26 either party may notify the Illinois Public Labor Relations

1 Board of the existence of a dispute and request mediation  
2 in accordance with the provisions of Section 14 of this  
3 Act.

4 (3) If after the expiration of the 30-day period  
5 beginning on the date on which mediation commenced, or such  
6 additional period as the parties may agree upon, the  
7 mediator is not able to bring the parties to agreement by  
8 conciliation, either the exclusive representative of the  
9 employees or the employer may request of the other, in  
10 writing, arbitration and shall submit a copy of the request  
11 to the board. Upon submission of the request for  
12 arbitration, the parties shall be required to participate  
13 in the impasse arbitration procedures set forth in Section  
14 14 of this Act, except the right to strike shall not be  
15 considered waived pursuant to Section 17 of this Act, until  
16 the actual convening of the arbitration hearing.

17 Only with respect to negotiations between the State of  
18 Illinois as a public employer and an exclusive  
19 representative, the duty "to bargain collectively" shall  
20 not include any obligation to negotiate health insurance or  
21 health benefits provided that the State of Illinois  
22 provides its employees with a health insurance plan wherein  
23 the combination of employee premiums and out-of-pocket  
24 costs for such plan does not exceed 40% of total active  
25 employee healthcare costs, in aggregate, as determined by  
26 actuaries contracted by the State. The design of such plans

1       shall be at the discretion of the State of Illinois.  
2       Bargaining for other plan designs is permissive, and  
3       negotiations over such other plan designs, or the  
4       provisions of Section 14 of this Act, shall not impair the  
5       State's ability to design, implement, or administer the  
6       health insurance plan identified in this paragraph of  
7       Section 7 as amended by this amendatory act of the 100th  
8       General Assembly.

9       (Source: P.A. 97-1158, eff. 1-29-13; 98-1004, eff. 8-18-14.)

10       Section 115. The State Employees Group Insurance Act of  
11       1971 is amended by changing Section 6 as follows:

12       (5 ILCS 375/6) (from Ch. 127, par. 526)

13       Sec. 6. Program of health benefits.

14       (a) The program of health benefits shall provide for  
15       protection against the financial costs of health care expenses  
16       incurred in and out of hospital including basic  
17       hospital-surgical-medical coverages. The program may include,  
18       but shall not be limited to, such supplemental coverages as  
19       out-patient diagnostic X-ray and laboratory expenses,  
20       prescription drugs, dental services, hearing evaluations,  
21       hearing aids, the dispensing and fitting of hearing aids, and  
22       similar group benefits as are now or may become available.  
23       However, nothing in this Act shall be construed to permit, on  
24       or after July 1, 1980, the non-contributory portion of any such

1 program to include the expenses of obtaining an abortion,  
2 induced miscarriage or induced premature birth unless, in the  
3 opinion of a physician, such procedures are necessary for the  
4 preservation of the life of the woman seeking such treatment,  
5 or except an induced premature birth intended to produce a live  
6 viable child and such procedure is necessary for the health of  
7 the mother or the unborn child. The program may also include  
8 coverage for those who rely on treatment by prayer or spiritual  
9 means alone for healing in accordance with the tenets and  
10 practice of a recognized religious denomination.

11 The program of health benefits shall be designed by the  
12 Director (1) to provide a reasonable relationship between the  
13 benefits to be included and the expected distribution of  
14 expenses of each such type to be incurred by the covered  
15 members and dependents, (2) to specify, as covered benefits and  
16 as optional benefits, the medical services of practitioners in  
17 all categories licensed under the Medical Practice Act of 1987,  
18 (3) to include reasonable controls, which may include  
19 deductible and co-insurance provisions, applicable to some or  
20 all of the benefits, or a coordination of benefits provision,  
21 to prevent or minimize unnecessary utilization of the various  
22 hospital, surgical and medical expenses to be provided and to  
23 provide reasonable assurance of stability of the program, and  
24 (4) to provide benefits to the extent possible to members  
25 throughout the State, wherever located, on an equitable basis.  
26 The design of such benefits shall be made by the Director based



1 on these considerations. Although the Director shall have the  
2 sole authority to determine the specific design of such  
3 benefits, the State and various employee unions shall bargain  
4 over the level of premium contributions for such plans.

5 Notwithstanding any other provision of this Section or Act, for  
6 all members or dependents who are eligible for benefits under  
7 Social Security or the Railroad Retirement system or who had  
8 sufficient Medicare-covered government employment, the  
9 Department shall reduce benefits which would otherwise be paid  
10 by Medicare, by the amount of benefits for which the member or  
11 dependents are eligible under Medicare, except that such  
12 reduction in benefits shall apply only to those members or  
13 dependents who (1) first become eligible for such medicare  
14 coverage on or after the effective date of this amendatory Act  
15 of 1992; or (2) are Medicare-eligible members or dependents of  
16 a local government unit which began participation in the  
17 program on or after July 1, 1992; or (3) remain eligible for  
18 but no longer receive Medicare coverage which they had been  
19 receiving on or after the effective date of this amendatory Act  
20 of 1992.

21 Notwithstanding any other provisions of this Act, where a  
22 covered member or dependents are eligible for benefits under  
23 the federal Medicare health insurance program (Title XVIII of  
24 the Social Security Act as added by Public Law 89-97, 89th  
25 Congress), benefits paid under the State of Illinois program or  
26 plan will be reduced by the amount of benefits paid by

1 Medicare. For members or dependents who are eligible for  
2 benefits under Social Security or the Railroad Retirement  
3 system or who had sufficient Medicare-covered government  
4 employment, benefits shall be reduced by the amount for which  
5 the member or dependent is eligible under Medicare, except that  
6 such reduction in benefits shall apply only to those members or  
7 dependents who (1) first become eligible for such Medicare  
8 coverage on or after the effective date of this amendatory Act  
9 of 1992; or (2) are Medicare-eligible members or dependents of  
10 a local government unit which began participation in the  
11 program on or after July 1, 1992; or (3) remain eligible for,  
12 but no longer receive Medicare coverage which they had been  
13 receiving on or after the effective date of this amendatory Act  
14 of 1992. Premiums may be adjusted, where applicable, to an  
15 amount deemed by the Director to be reasonably consistent with  
16 any reduction of benefits.

17 (b) A member, not otherwise covered by this Act, who has  
18 retired as a participating member under Article 2 of the  
19 Illinois Pension Code but is ineligible for the retirement  
20 annuity under Section 2-119 of the Illinois Pension Code, shall  
21 pay the premiums for coverage, not exceeding the amount paid by  
22 the State for the non-contributory coverage for other members,  
23 under the group health benefits program under this Act. The  
24 Director shall determine the premiums to be paid by a member  
25 under this subsection (b).

26 (Source: P.A. 93-47, eff. 7-1-03.)

1 Section 120. The Illinois Public Aid Code is amended by  
2 changing Section 5A-10 as follows:

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

4 Sec. 5A-10. Applicability.

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

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

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

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

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

24 (C) any changes proposed in State plan amendment

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;

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 or -

19 (H) any changes authorized under the Budget  
20 Management and Control Act.

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

1 disbursed in accordance with Section 5A-8 to the extent federal  
2 financial participation is not reduced due to the  
3 impermissibility of the assessments, and any remaining moneys  
4 shall be refunded to hospital providers in proportion to the  
5 amounts paid by them.

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

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

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

1           except for any changes authorized under Section 5-5b.1, and  
2           except for any changes authorized under the Budget  
3           Management and Control Act;

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

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

23          (Source: P.A. 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 99-2,  
24          eff. 3-26-15.)

25          Section 990. The State Mandates Act is amended by adding

1 Section 8.41 as follows:

2 (30 ILCS 805/8.41 new)

3 Sec. 8.41. Exempt mandate. Notwithstanding Sections 6 and 8  
4 of this Act, no reimbursement by the State is required for the  
5 implementation of any mandate created by this amendatory Act of  
6 the 100th General Assembly.

7 Section 995. No acceleration or delay. Where this Act makes  
8 changes in a statute that is represented in this Act by text  
9 that is not yet or no longer in effect (for example, a Section  
10 represented by multiple versions), the use of that text does  
11 not accelerate or delay the taking effect of (i) the changes  
12 made by this Act or (ii) provisions derived from any other  
13 Public Act.

14 Section 999. Effective date. This Act takes effect upon  
15 becoming law.