

HB0333



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0333

by Rep. Scott Drury

SYNOPSIS AS INTRODUCED:

30 ILCS 105/25

from Ch. 127, par. 161

Amends the State Finance Act. Provides that notwithstanding any provision of law to the contrary and to the extent permitted by federal law, for fiscal year 2017 and each fiscal year thereafter, outstanding liabilities as of June 30, payable from appropriations which have otherwise expired, may be paid out of the expiring appropriations only during the 2-month period ending at the close of business on August 31. Provides for an exception for a proper bill or invoice as defined by the State Prompt Payment Act. Effective immediately.

LRB100 04211 MLM 14217 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 State Finance Act is amended by changing
5 Section 25 as follows:

6 (30 ILCS 105/25) (from Ch. 127, par. 161)

7 Sec. 25. Fiscal year limitations.

8 (a) All appropriations shall be available for expenditure
9 for the fiscal year or for a lesser period if the Act making
10 that appropriation so specifies. A deficiency or emergency
11 appropriation shall be available for expenditure only through
12 June 30 of the year when the Act making that appropriation is
13 enacted unless that Act otherwise provides.

14 (b) Outstanding liabilities as of June 30, payable from
15 appropriations which have otherwise expired, may be paid out of
16 the expiring appropriations during the 2-month period ending at
17 the close of business on August 31. Any service involving
18 professional or artistic skills or any personal services by an
19 employee whose compensation is subject to income tax
20 withholding must be performed as of June 30 of the fiscal year
21 in order to be considered an "outstanding liability as of June
22 30" that is thereby eligible for payment out of the expiring
23 appropriation.

1 (b-1) However, payment of tuition reimbursement claims
2 under Section 14-7.03 or 18-3 of the School Code may be made by
3 the State Board of Education from its appropriations for those
4 respective purposes for any fiscal year, even though the claims
5 reimbursed by the payment may be claims attributable to a prior
6 fiscal year, and payments may be made at the direction of the
7 State Superintendent of Education from the fund from which the
8 appropriation is made without regard to any fiscal year
9 limitations, except as required by subsection (j) of this
10 Section. Beginning on June 30, 2021, payment of tuition
11 reimbursement claims under Section 14-7.03 or 18-3 of the
12 School Code as of June 30, payable from appropriations that
13 have otherwise expired, may be paid out of the expiring
14 appropriation during the 4-month period ending at the close of
15 business on October 31.

16 (b-2) All outstanding liabilities as of June 30, 2010,
17 payable from appropriations that would otherwise expire at the
18 conclusion of the lapse period for fiscal year 2010, and
19 interest penalties payable on those liabilities under the State
20 Prompt Payment Act, may be paid out of the expiring
21 appropriations until December 31, 2010, without regard to the
22 fiscal year in which the payment is made, as long as vouchers
23 for the liabilities are received by the Comptroller no later
24 than August 31, 2010.

25 (b-2.5) All outstanding liabilities as of June 30, 2011,
26 payable from appropriations that would otherwise expire at the

1 conclusion of the lapse period for fiscal year 2011, and
2 interest penalties payable on those liabilities under the State
3 Prompt Payment Act, may be paid out of the expiring
4 appropriations until December 31, 2011, without regard to the
5 fiscal year in which the payment is made, as long as vouchers
6 for the liabilities are received by the Comptroller no later
7 than August 31, 2011.

8 (b-2.6) All outstanding liabilities as of June 30, 2012,
9 payable from appropriations that would otherwise expire at the
10 conclusion of the lapse period for fiscal year 2012, and
11 interest penalties payable on those liabilities under the State
12 Prompt Payment Act, may be paid out of the expiring
13 appropriations until December 31, 2012, without regard to the
14 fiscal year in which the payment is made, as long as vouchers
15 for the liabilities are received by the Comptroller no later
16 than August 31, 2012.

17 (b-2.7) For fiscal years 2012, 2013, and 2014, interest
18 penalties payable under the State Prompt Payment Act associated
19 with a voucher for which payment is issued after June 30 may be
20 paid out of the next fiscal year's appropriation. The future
21 year appropriation must be for the same purpose and from the
22 same fund as the original payment. An interest penalty voucher
23 submitted against a future year appropriation must be submitted
24 within 60 days after the issuance of the associated voucher,
25 and the Comptroller must issue the interest payment within 60
26 days after acceptance of the interest voucher.

1 (b-3) Medical payments may be made by the Department of
2 Veterans' Affairs from its appropriations for those purposes
3 for any fiscal year, without regard to the fact that the
4 medical services being compensated for by such payment may have
5 been rendered in a prior fiscal year, except as required by
6 subsection (j) of this Section. Beginning on June 30, 2021,
7 medical payments payable from appropriations that have
8 otherwise expired may be paid out of the expiring appropriation
9 during the 4-month period ending at the close of business on
10 October 31.

11 (b-4) Medical payments and child care payments may be made
12 by the Department of Human Services (as successor to the
13 Department of Public Aid) from appropriations for those
14 purposes for any fiscal year, without regard to the fact that
15 the medical or child care services being compensated for by
16 such payment may have been rendered in a prior fiscal year; and
17 payments may be made at the direction of the Department of
18 Healthcare and Family Services (or successor agency) from the
19 Health Insurance Reserve Fund without regard to any fiscal year
20 limitations, except as required by subsection (j) of this
21 Section. Beginning on June 30, 2021, medical and child care
22 payments made by the Department of Human Services and payments
23 made at the discretion of the Department of Healthcare and
24 Family Services (or successor agency) from the Health Insurance
25 Reserve Fund and payable from appropriations that have
26 otherwise expired may be paid out of the expiring appropriation

1 during the 4-month period ending at the close of business on
2 October 31.

3 (b-5) Medical payments may be made by the Department of
4 Human Services from its appropriations relating to substance
5 abuse treatment services for any fiscal year, without regard to
6 the fact that the medical services being compensated for by
7 such payment may have been rendered in a prior fiscal year,
8 provided the payments are made on a fee-for-service basis
9 consistent with requirements established for Medicaid
10 reimbursement by the Department of Healthcare and Family
11 Services, except as required by subsection (j) of this Section.
12 Beginning on June 30, 2021, medical payments made by the
13 Department of Human Services relating to substance abuse
14 treatment services payable from appropriations that have
15 otherwise expired may be paid out of the expiring appropriation
16 during the 4-month period ending at the close of business on
17 October 31.

18 (b-6) Additionally, payments may be made by the Department
19 of Human Services from its appropriations, or any other State
20 agency from its appropriations with the approval of the
21 Department of Human Services, from the Immigration Reform and
22 Control Fund for purposes authorized pursuant to the
23 Immigration Reform and Control Act of 1986, without regard to
24 any fiscal year limitations, except as required by subsection
25 (j) of this Section. Beginning on June 30, 2021, payments made
26 by the Department of Human Services from the Immigration Reform

1 and Control Fund for purposes authorized pursuant to the
2 Immigration Reform and Control Act of 1986 payable from
3 appropriations that have otherwise expired may be paid out of
4 the expiring appropriation during the 4-month period ending at
5 the close of business on October 31.

6 (b-7) Payments may be made in accordance with a plan
7 authorized by paragraph (11) or (12) of Section 405-105 of the
8 Department of Central Management Services Law from
9 appropriations for those payments without regard to fiscal year
10 limitations.

11 (b-8) Reimbursements to eligible airport sponsors for the
12 construction or upgrading of Automated Weather Observation
13 Systems may be made by the Department of Transportation from
14 appropriations for those purposes for any fiscal year, without
15 regard to the fact that the qualification or obligation may
16 have occurred in a prior fiscal year, provided that at the time
17 the expenditure was made the project had been approved by the
18 Department of Transportation prior to June 1, 2012 and, as a
19 result of recent changes in federal funding formulas, can no
20 longer receive federal reimbursement.

21 (b-9) Medical payments not exceeding \$150,000,000 may be
22 made by the Department on Aging from its appropriations
23 relating to the Community Care Program for fiscal year 2014,
24 without regard to the fact that the medical services being
25 compensated for by such payment may have been rendered in a
26 prior fiscal year, provided the payments are made on a

1 fee-for-service basis consistent with requirements established
2 for Medicaid reimbursement by the Department of Healthcare and
3 Family Services, except as required by subsection (j) of this
4 Section.

5 (b-10) Notwithstanding any provision of law to the contrary
6 and to the extent permitted by federal law, for fiscal year
7 2017 and each fiscal year thereafter, outstanding liabilities
8 as of June 30, payable from appropriations which have otherwise
9 expired, may be paid out of the expiring appropriations only
10 during the 2-month period ending at the close of business on
11 August 31, except that claims that have been incurred for which
12 a proper bill or invoice as defined by the State Prompt Payment
13 Act has not been received by August 31 may be paid out of the
14 expiring appropriations only during the period ending at the
15 close of business on October 15. Any service involving
16 professional or artistic skills or any personal services by an
17 employee whose compensation is subject to income tax
18 withholding must be performed as of June 30 of the fiscal year
19 in order to be considered an "outstanding liability as of June
20 30" that is thereby eligible for payment out of the expiring
21 appropriation.

22 (c) Further, payments may be made by the Department of
23 Public Health and the Department of Human Services (acting as
24 successor to the Department of Public Health under the
25 Department of Human Services Act) from their respective
26 appropriations for grants for medical care to or on behalf of

1 premature and high-mortality risk infants and their mothers and
2 for grants for supplemental food supplies provided under the
3 United States Department of Agriculture Women, Infants and
4 Children Nutrition Program, for any fiscal year without regard
5 to the fact that the services being compensated for by such
6 payment may have been rendered in a prior fiscal year, except
7 as required by subsection (j) of this Section. Beginning on
8 June 30, 2021, payments made by the Department of Public Health
9 and the Department of Human Services from their respective
10 appropriations for grants for medical care to or on behalf of
11 premature and high-mortality risk infants and their mothers and
12 for grants for supplemental food supplies provided under the
13 United States Department of Agriculture Women, Infants and
14 Children Nutrition Program payable from appropriations that
15 have otherwise expired may be paid out of the expiring
16 appropriations during the 4-month period ending at the close of
17 business on October 31.

18 (d) The Department of Public Health and the Department of
19 Human Services (acting as successor to the Department of Public
20 Health under the Department of Human Services Act) shall each
21 annually submit to the State Comptroller, Senate President,
22 Senate Minority Leader, Speaker of the House, House Minority
23 Leader, and the respective Chairmen and Minority Spokesmen of
24 the Appropriations Committees of the Senate and the House, on
25 or before December 31, a report of fiscal year funds used to
26 pay for services provided in any prior fiscal year. This report

1 shall document by program or service category those
2 expenditures from the most recently completed fiscal year used
3 to pay for services provided in prior fiscal years.

4 (e) The Department of Healthcare and Family Services, the
5 Department of Human Services (acting as successor to the
6 Department of Public Aid), and the Department of Human Services
7 making fee-for-service payments relating to substance abuse
8 treatment services provided during a previous fiscal year shall
9 each annually submit to the State Comptroller, Senate
10 President, Senate Minority Leader, Speaker of the House, House
11 Minority Leader, the respective Chairmen and Minority
12 Spokesmen of the Appropriations Committees of the Senate and
13 the House, on or before November 30, a report that shall
14 document by program or service category those expenditures from
15 the most recently completed fiscal year used to pay for (i)
16 services provided in prior fiscal years and (ii) services for
17 which claims were received in prior fiscal years.

18 (f) The Department of Human Services (as successor to the
19 Department of Public Aid) shall annually submit to the State
20 Comptroller, Senate President, Senate Minority Leader, Speaker
21 of the House, House Minority Leader, and the respective
22 Chairmen and Minority Spokesmen of the Appropriations
23 Committees of the Senate and the House, on or before December
24 31, a report of fiscal year funds used to pay for services
25 (other than medical care) provided in any prior fiscal year.
26 This report shall document by program or service category those

1 expenditures from the most recently completed fiscal year used
2 to pay for services provided in prior fiscal years.

3 (g) In addition, each annual report required to be
4 submitted by the Department of Healthcare and Family Services
5 under subsection (e) shall include the following information
6 with respect to the State's Medicaid program:

7 (1) Explanations of the exact causes of the variance
8 between the previous year's estimated and actual
9 liabilities.

10 (2) Factors affecting the Department of Healthcare and
11 Family Services' liabilities, including but not limited to
12 numbers of aid recipients, levels of medical service
13 utilization by aid recipients, and inflation in the cost of
14 medical services.

15 (3) The results of the Department's efforts to combat
16 fraud and abuse.

17 (h) As provided in Section 4 of the General Assembly
18 Compensation Act, any utility bill for service provided to a
19 General Assembly member's district office for a period
20 including portions of 2 consecutive fiscal years may be paid
21 from funds appropriated for such expenditure in either fiscal
22 year.

23 (i) An agency which administers a fund classified by the
24 Comptroller as an internal service fund may issue rules for:

25 (1) billing user agencies in advance for payments or
26 authorized inter-fund transfers based on estimated charges

1 for goods or services;

2 (2) issuing credits, refunding through inter-fund
3 transfers, or reducing future inter-fund transfers during
4 the subsequent fiscal year for all user agency payments or
5 authorized inter-fund transfers received during the prior
6 fiscal year which were in excess of the final amounts owed
7 by the user agency for that period; and

8 (3) issuing catch-up billings to user agencies during
9 the subsequent fiscal year for amounts remaining due when
10 payments or authorized inter-fund transfers received from
11 the user agency during the prior fiscal year were less than
12 the total amount owed for that period.

13 User agencies are authorized to reimburse internal service
14 funds for catch-up billings by vouchers drawn against their
15 respective appropriations for the fiscal year in which the
16 catch-up billing was issued or by increasing an authorized
17 inter-fund transfer during the current fiscal year. For the
18 purposes of this Act, "inter-fund transfers" means transfers
19 without the use of the voucher-warrant process, as authorized
20 by Section 9.01 of the State Comptroller Act.

21 (i-1) Beginning on July 1, 2021, all outstanding
22 liabilities, not payable during the 4-month lapse period as
23 described in subsections (b-1), (b-3), (b-4), (b-5), (b-6), and
24 (c) of this Section, that are made from appropriations for that
25 purpose for any fiscal year, without regard to the fact that
26 the services being compensated for by those payments may have

1 been rendered in a prior fiscal year, are limited to only those
2 claims that have been incurred but for which a proper bill or
3 invoice as defined by the State Prompt Payment Act has not been
4 received by September 30th following the end of the fiscal year
5 in which the service was rendered.

6 (j) Notwithstanding any other provision of this Act, the
7 aggregate amount of payments to be made without regard for
8 fiscal year limitations as contained in subsections (b-1),
9 (b-3), (b-4), (b-5), (b-6), and (c) of this Section, and
10 determined by using Generally Accepted Accounting Principles,
11 shall not exceed the following amounts:

12 (1) \$6,000,000,000 for outstanding liabilities related
13 to fiscal year 2012;

14 (2) \$5,300,000,000 for outstanding liabilities related
15 to fiscal year 2013;

16 (3) \$4,600,000,000 for outstanding liabilities related
17 to fiscal year 2014;

18 (4) \$4,000,000,000 for outstanding liabilities related
19 to fiscal year 2015;

20 (5) \$3,300,000,000 for outstanding liabilities related
21 to fiscal year 2016;

22 (6) \$2,600,000,000 for outstanding liabilities related
23 to fiscal year 2017;

24 (7) \$2,000,000,000 for outstanding liabilities related
25 to fiscal year 2018;

26 (8) \$1,300,000,000 for outstanding liabilities related

1 to fiscal year 2019;

2 (9) \$600,000,000 for outstanding liabilities related
3 to fiscal year 2020; and

4 (10) \$0 for outstanding liabilities related to fiscal
5 year 2021 and fiscal years thereafter.

6 (k) Department of Healthcare and Family Services Medical
7 Assistance Payments.

8 (1) Definition of Medical Assistance.

9 For purposes of this subsection, the term "Medical
10 Assistance" shall include, but not necessarily be
11 limited to, medical programs and services authorized
12 under Titles XIX and XXI of the Social Security Act,
13 the Illinois Public Aid Code, the Children's Health
14 Insurance Program Act, the Covering ALL KIDS Health
15 Insurance Act, the Long Term Acute Care Hospital
16 Quality Improvement Transfer Program Act, and medical
17 care to or on behalf of persons suffering from chronic
18 renal disease, persons suffering from hemophilia, and
19 victims of sexual assault.

20 (2) Limitations on Medical Assistance payments that
21 may be paid from future fiscal year appropriations.

22 (A) The maximum amounts of annual unpaid Medical
23 Assistance bills received and recorded by the
24 Department of Healthcare and Family Services on or
25 before June 30th of a particular fiscal year
26 attributable in aggregate to the General Revenue Fund,

1 Healthcare Provider Relief Fund, Tobacco Settlement
2 Recovery Fund, Long-Term Care Provider Fund, and the
3 Drug Rebate Fund that may be paid in total by the
4 Department from future fiscal year Medical Assistance
5 appropriations to those funds are: \$700,000,000 for
6 fiscal year 2013 and \$100,000,000 for fiscal year 2014
7 and each fiscal year thereafter.

8 (B) Bills for Medical Assistance services rendered
9 in a particular fiscal year, but received and recorded
10 by the Department of Healthcare and Family Services
11 after June 30th of that fiscal year, may be paid from
12 either appropriations for that fiscal year or future
13 fiscal year appropriations for Medical Assistance.
14 Such payments shall not be subject to the requirements
15 of subparagraph (A).

16 (C) Medical Assistance bills received by the
17 Department of Healthcare and Family Services in a
18 particular fiscal year, but subject to payment amount
19 adjustments in a future fiscal year may be paid from a
20 future fiscal year's appropriation for Medical
21 Assistance. Such payments shall not be subject to the
22 requirements of subparagraph (A).

23 (D) Medical Assistance payments made by the
24 Department of Healthcare and Family Services from
25 funds other than those specifically referenced in
26 subparagraph (A) may be made from appropriations for

1 those purposes for any fiscal year without regard to
2 the fact that the Medical Assistance services being
3 compensated for by such payment may have been rendered
4 in a prior fiscal year. Such payments shall not be
5 subject to the requirements of subparagraph (A).

6 (3) Extended lapse period for Department of Healthcare
7 and Family Services Medical Assistance payments.
8 Notwithstanding any other State law to the contrary,
9 outstanding Department of Healthcare and Family Services
10 Medical Assistance liabilities, as of June 30th, payable
11 from appropriations which have otherwise expired, may be
12 paid out of the expiring appropriations during the 6-month
13 period ending at the close of business on December 31st.

14 (1) The changes to this Section made by Public Act 97-691
15 shall be effective for payment of Medical Assistance bills
16 incurred in fiscal year 2013 and future fiscal years. The
17 changes to this Section made by Public Act 97-691 shall not be
18 applied to Medical Assistance bills incurred in fiscal year
19 2012 or prior fiscal years.

20 (m) The Comptroller must issue payments against
21 outstanding liabilities that were received prior to the lapse
22 period deadlines set forth in this Section as soon thereafter
23 as practical, but no payment may be issued after the 4 months
24 following the lapse period deadline without the signed
25 authorization of the Comptroller and the Governor.

26 (Source: P.A. 97-75, eff. 6-30-11; 97-333, eff. 8-12-11;

1 97-691, eff. 7-1-12; 97-732, eff. 6-30-12; 97-932, eff.
2 8-10-12; 98-8, eff. 5-3-13; 98-24, eff. 6-19-13; 98-215, eff.
3 8-9-13; 98-463, eff. 8-16-13; 98-756, eff. 7-16-14.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.