



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0204

Introduced 2/17/2021, by Sen. John Connor

SYNOPSIS AS INTRODUCED:

See Index

Amends the Voluntary Payroll Deductions Act of 1983. Requires the Comptroller (rather than the Governor) to perform specified duties concerning the designation of organizations qualified to receive payroll deductions and the creation of an Advisory Committee under the Act. Amends the State Comptroller Act. Removes a provision requiring the Department of Central Management Services to transmit to the Comptroller a certified copy of all reports it may issue concerning State property. Provides for Comptroller recess appointments. Amends the State Finance Act. Makes changes concerning fiscal year limitations. Repeals provisions concerning contracts signed by State agencies with procurement authority. Amends the Illinois Procurement Code. Makes changes concerning the filing of contracts with the Comptroller. Amends the State Prompt Payment Act. Requires specified information under the Vendor Payment Program to be disclosed on August 1 of each year (currently, July 1 of each year) for the previous fiscal year. Amends the Property Tax Code. Requires the State Comptroller to make available on the Comptroller's website a Fiscal Responsibility Report Card (currently, submit to the General Assembly and the clerk of each county a Fiscal Responsibility Report Card). Makes other changes. Effective immediately.

LRB102 10806 RJF 16136 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Voluntary Payroll Deductions Act of 1983 is
5 amended by changing Sections 3, 5, and 7 as follows:

6 (5 ILCS 340/3) (from Ch. 15, par. 503)

7 Sec. 3. Definitions. As used in this Act unless the
8 context otherwise requires:

9 (a) "Employee" means any regular officer or employee who
10 receives salary or wages for personal services rendered to the
11 State of Illinois, and includes an individual hired as an
12 employee by contract with that individual.

13 (b) "Qualified organization" means an organization
14 representing one or more benefiting agencies, which
15 organization is designated by the State Comptroller as
16 qualified to receive payroll deductions under this Act. An
17 organization desiring to be designated as a qualified
18 organization shall:

19 (1) Submit written or electronic designations on forms
20 approved by the State Comptroller by 500 or more employees
21 or State annuitants, in which such employees or State
22 annuitants indicate that the organization is one for which
23 the employee or State annuitant intends to authorize

1 withholding. The forms shall require the name, last 4
2 digits only of the social security number, and employing
3 State agency for each employee. Upon notification by the
4 Comptroller that such forms have been approved, the
5 organization shall, within 30 days, notify in writing the
6 Comptroller ~~Governor~~ or his or her designee of its
7 intention to obtain the required number of designations.
8 Such organization shall have 12 months from that date to
9 obtain the necessary designations and return to the State
10 Comptroller's office the completed designations, which
11 shall be subject to verification procedures established by
12 the State Comptroller;

13 (2) Certify that all benefiting agencies are tax
14 exempt under Section 501(c)(3) of the Internal Revenue
15 Code;

16 (3) Certify that all benefiting agencies are in
17 compliance with the Illinois Human Rights Act;

18 (4) Certify that all benefiting agencies are in
19 compliance with the Charitable Trust Act and the
20 Solicitation for Charity Act;

21 (5) Certify that all benefiting agencies actively
22 conduct health or welfare programs and provide services to
23 individuals directed at one or more of the following
24 common human needs within a community: service, research,
25 and education in the health fields; family and child care
26 services; protective services for children and adults;

1 services for children and adults in foster care; services
2 related to the management and maintenance of the home; day
3 care services for adults; transportation services;
4 information, referral and counseling services; services to
5 eliminate illiteracy; the preparation and delivery of
6 meals; adoption services; emergency shelter care and
7 relief services; disaster relief services; safety
8 services; neighborhood and community organization
9 services; recreation services; social adjustment and
10 rehabilitation services; health support services; or a
11 combination of such services designed to meet the special
12 needs of specific groups, such as children and youth, the
13 ill and infirm, and persons with physical disabilities;
14 and that all such benefiting agencies provide the above
15 described services to individuals and their families in
16 the community and surrounding area in which the
17 organization conducts its fund drive, or that such
18 benefiting agencies provide relief to victims of natural
19 disasters and other emergencies on a where and as needed
20 basis;

21 (6) Certify that the organization has disclosed the
22 percentage of the organization's total collected receipts
23 from employees or State annuitants that are distributed to
24 the benefiting agencies and the percentage of the
25 organization's total collected receipts from employees or
26 State annuitants that are expended for fund-raising and

1 overhead costs. These percentages shall be the same
2 percentage figures annually disclosed by the organization
3 to the Attorney General. The disclosure shall be made to
4 all solicited employees and State annuitants and shall be
5 in the form of a factual statement on all petitions and in
6 the campaign's brochures for employees and State
7 annuitants;

8 (7) Certify that all benefiting agencies receiving
9 funds which the employee or State annuitant has requested
10 or designated for distribution to a particular community
11 and surrounding area use a majority of such funds
12 distributed for services in the actual provision of
13 services in that community and surrounding area;

14 (8) Certify that neither it nor its member
15 organizations will solicit State employees for
16 contributions at their workplace, except pursuant to this
17 Act and the rules promulgated thereunder. Each qualified
18 organization, and each participating United Fund, is
19 encouraged to cooperate with all others and with all State
20 agencies and educational institutions so as to simplify
21 procedures, to resolve differences and to minimize costs;

22 (9) Certify that it will pay its share of the campaign
23 costs and will comply with the Code of Campaign Conduct as
24 approved by the Comptroller ~~Governor~~ or other agency as
25 designated by the Comptroller ~~Governor~~; and

26 (10) Certify that it maintains a year-round office,

1 the telephone number, and person responsible for the
2 operations of the organization in Illinois. That
3 information shall be provided to the State Comptroller at
4 the time the organization is seeking participation under
5 this Act.

6 Each qualified organization shall submit to the State
7 Comptroller between January 1 and March 1 of each year, a
8 statement that the organization is in compliance with all of
9 the requirements set forth in paragraphs (2) through (10). The
10 State Comptroller shall exclude any organization that fails to
11 submit the statement from the next solicitation period.

12 In order to be designated as a qualified organization, the
13 organization shall have existed at least 2 years prior to
14 submitting the written or electronic designation forms
15 required in paragraph (1) and shall certify to the State
16 Comptroller that such organization has been providing services
17 described in paragraph (5) in Illinois. If the organization
18 seeking designation represents more than one benefiting
19 agency, it need not have existed for 2 years but shall certify
20 to the State Comptroller that each of its benefiting agencies
21 has existed for at least 2 years prior to submitting the
22 written or electronic designation forms required in paragraph
23 (1) and that each has been providing services described in
24 paragraph (5) in Illinois.

25 Organizations which have met the requirements of this Act
26 shall be permitted to participate in the State and

1 Universities Combined Appeal as of January 1st of the year
2 immediately following their approval by the Comptroller.

3 Where the certifications described in paragraphs (2), (3),
4 (4), (5), (6), (7), (8), (9), and (10) above are made by an
5 organization representing more than one benefiting agency they
6 shall be based upon the knowledge and belief of such qualified
7 organization. Any qualified organization shall immediately
8 notify the State Comptroller in writing if the qualified
9 organization receives information or otherwise believes that a
10 benefiting agency is no longer in compliance with the
11 certification of the qualified organization. A qualified
12 organization representing more than one benefiting agency
13 shall thereafter withhold and refrain from distributing to
14 such benefiting agency those funds received pursuant to this
15 Act until the benefiting agency is again in compliance with
16 the qualified organization's certification. The qualified
17 organization shall immediately notify the State Comptroller of
18 the benefiting agency's resumed compliance with the
19 certification, based upon the qualified organization's
20 knowledge and belief, and shall pay over to the benefiting
21 agency those funds previously withheld.

22 In order to qualify, a qualified organization must receive
23 250 deduction pledges from the immediately preceding
24 solicitation period as set forth in Section 6. The Comptroller
25 shall, by February 1st of each year, so notify any qualified
26 organization that failed to receive the minimum deduction

1 requirement. The notification shall give such qualified
2 organization until March 1st to provide the Comptroller with
3 documentation that the minimum deduction requirement has been
4 met. On the basis of all the documentation, the Comptroller
5 shall, by March 15th of each year, make publicly available
6 ~~submit to the Governor or his or her designee, or such other~~
7 ~~agency as may be determined by the Governor,~~ a list of all
8 organizations which have met the minimum payroll deduction
9 requirement. Only those organizations which have met such
10 requirements, as well as the other requirements of this
11 Section, shall be permitted to solicit State employees or
12 State annuitants for voluntary contributions, and the
13 Comptroller shall discontinue withholding for any such
14 organization which fails to meet these requirements, except
15 qualified organizations that received deduction pledges during
16 the 2004 solicitation period are deemed to be qualified for
17 the 2005 solicitation period.

18 (c) "United Fund" means the organization conducting the
19 single, annual, consolidated effort to secure funds for
20 distribution to agencies engaged in charitable and public
21 health, welfare and services purposes, which is commonly known
22 as the United Fund, or the organization which serves in place
23 of the United Fund organization in communities where an
24 organization known as the United Fund is not organized.

25 In order for a United Fund to participate in the State and
26 Universities Employees Combined Appeal, it shall comply with

1 the provisions of paragraph (9) of subsection (b).

2 (d) "State and Universities Employees Combined Appeal",
3 otherwise known as "SECA", means the State-directed joint
4 effort of all of the qualified organizations, together with
5 the United Funds, for the solicitation of voluntary
6 contributions from State and University employees and State
7 annuitants.

8 (e) "Retirement system" means any or all of the following:
9 the General Assembly Retirement System, the State Employees'
10 Retirement System of Illinois, the State Universities
11 Retirement System, the Teachers' Retirement System of the
12 State of Illinois, and the Judges Retirement System.

13 (f) "State annuitant" means a person receiving an annuity
14 or disability benefit under Article 2, 14, 15, 16, or 18 of the
15 Illinois Pension Code.

16 (Source: P.A. 99-143, eff. 7-27-15.)

17 (5 ILCS 340/5) (from Ch. 15, par. 505)

18 Sec. 5. Rules; Advisory Committee. The State Comptroller
19 shall promulgate and issue reasonable rules and regulations as
20 deemed necessary for the administration of this Act.

21 All ~~However, all~~ solicitations of State employees for
22 contributions at their workplace and all solicitations of
23 State annuitants for contributions shall be in accordance with
24 rules promulgated by the Comptroller ~~Governor~~ or his or her
25 designee or other agency as may be designated by the

1 Comptroller ~~Governor~~. All solicitations of State annuitants
2 for contributions shall also be in accordance with the rules
3 promulgated by the applicable retirement system.

4 The rules promulgated by the Comptroller ~~Governor~~ or his
5 or her designee or other agency as designated by the
6 Comptroller ~~Governor~~ shall include a Code of Campaign Conduct
7 that all qualified organizations and United Funds shall
8 subscribe to in writing, sanctions for violations of the Code
9 of Campaign Conduct, provision for the handling of cash
10 contributions, provision for an Advisory Committee, provisions
11 for the allocation of expenses among the participating
12 organizations, an organizational plan and structure whereby
13 responsibilities are set forth for the appropriate State
14 employees or State annuitants and the participating
15 organizations, and any other matters that are necessary to
16 accomplish the purposes of this Act.

17 The Comptroller ~~Governor~~ or the Comptroller's ~~Governor's~~
18 designee shall promulgate rules to establish the composition
19 and the duties of the Advisory Committee. The Comptroller
20 ~~Governor~~ or the Comptroller's ~~Governor's~~ designee shall make
21 appointments to the Advisory Committee. The powers of the
22 Advisory Committee shall include, at a minimum, the ability to
23 impose the sanctions authorized by rule. Each State agency and
24 each retirement system shall file an annual report that sets
25 forth, for the prior calendar year, (i) the total amount of
26 money contributed to each qualified organization and united

1 fund through both payroll deductions and cash contributions,
2 (ii) the number of employees or State annuitants who have
3 contributed to each qualified organization and united fund,
4 and (iii) any other information required by the rules. The
5 report shall not include the names of any contributing or
6 non-contributing employees or State annuitants. The report
7 shall be filed with the Advisory Committee no later than March
8 15. The report shall be available for inspection.

9 Other constitutional officers, retirement systems, the
10 University of Illinois, Southern Illinois University, Chicago
11 State University, Eastern Illinois University, Governors State
12 University, Illinois State University, Northeastern Illinois
13 University, Northern Illinois University, and Western Illinois
14 University shall be governed by the rules promulgated pursuant
15 to this Section, unless such entities adopt their own rules
16 governing solicitation of contributions at the workplace.

17 All rules promulgated pursuant to this Section shall not
18 discriminate against one or more qualified organizations or
19 United Funds.

20 (Source: P.A. 90-799, eff. 6-1-99; 91-896, eff. 7-6-00.)

21 (5 ILCS 340/7) (from Ch. 15, par. 507)

22 Sec. 7. Notwithstanding any other provision of this Act, a
23 participating organization or a United Fund may be denied
24 participation in SECA for willful failure to comply with the
25 provisions of paragraph (9) of subsection (b) of Section 3 of

1 this Act. The agency designated by the Comptroller ~~Governor~~
2 under paragraph (9) of subsection (b) of Section 3 of this Act
3 shall adopt rules providing for procedures for review by the
4 agency of alleged violations of that paragraph and appropriate
5 remedial sanctions for noncompliance. The rules shall include
6 an appeal procedure for any affected participating
7 organization or United Fund. The agency designated by the
8 Comptroller ~~Governor~~ shall notify the Comptroller immediately
9 of any final decision to remove a qualified organization or
10 United Fund from participation in SECA.

11 (Source: P.A. 91-357, eff. 7-29-99.)

12 Section 10. The State Comptroller Act is amended by
13 changing Sections 17 and 19.5 and by adding Section 28 as
14 follows:

15 (15 ILCS 405/17) (from Ch. 15, par. 217)

16 Sec. 17. Inventory control records. The comptroller shall
17 maintain current inventory records of property held by or on
18 behalf of the State or any State agency, which may be copies of
19 the official inventory control records maintained by State
20 agencies or summaries thereof. The Office of the Comptroller
21 shall define reporting requirements and thresholds to be used
22 by State agencies in the Comptroller's Statewide Accounting
23 Management System (SAMS) manual. The Department of Central
24 Management Services and each other State agency so holding

1 such property shall report to the comptroller, on forms
2 prescribed by the comptroller, all property acquired or
3 disposed of by that agency, in such detail and at such times as
4 the comptroller requires, by rule, to maintain accurate,
5 current inventory records. ~~The Department of Central
6 Management Services shall transmit to the comptroller a
7 certified copy of all reports it may issue concerning State
8 property, including its annual report.~~

9 (Source: P.A. 98-904, eff. 8-15-14.)

10 (15 ILCS 405/19.5)

11 Sec. 19.5. Comprehensive Annual Financial Report ~~(CAFR)~~;
12 procedures and reporting.

13 (a) On or before October 31, 2012, and on or before each
14 October 31 thereafter, State agencies shall report to the
15 Comptroller all financial information deemed necessary by the
16 Comptroller to compile and publish a comprehensive annual
17 financial report using generally accepted accounting
18 principles for the fiscal year ending June 30 of that year. The
19 Comptroller may require certain State agencies to submit the
20 required information before October 31 under a schedule
21 established by the Comptroller. If a State agency has
22 submitted no or insufficient financial information by October
23 31, the Comptroller shall serve a written notice to each
24 respective State agency director or secretary about the
25 delinquency or inadequacy of the financial information.

1 (b) If the financial information required in subsection
2 (a) is submitted to the Comptroller on or before October 31,
3 the lapse period is not extended past August 31 for the given
4 fiscal year, and the Office of the Auditor General has
5 completed an audit of the comprehensive annual financial
6 report, then the Comptroller shall publish a comprehensive
7 annual financial report using generally accepted accounting
8 principles for the fiscal year ending June 30 of that year by
9 December 31. If the information as required by subsection (a)
10 is not provided to the Comptroller in time to publish the
11 report by December 31, then upon notice from the Comptroller
12 of the delay, each respective State agency director or
13 secretary shall report his or her State agency's delinquency
14 and provide an action plan to bring his or her State agency
15 into compliance to the Comptroller, the Auditor General, the
16 Office of the Governor, the Speaker and Minority Leader of the
17 House of Representatives, and the President and Minority
18 Leader of the Senate. Upon receiving that report from a State
19 agency director or secretary, the Comptroller shall post that
20 report with the action plan on his or her official website.

21 (c) If a comprehensive annual financial report using
22 generally accepted accounting principles cannot be published
23 by December 31 due to insufficient or inadequate reporting to
24 the Comptroller, the lapse period is extended past August 31
25 for the given fiscal year, or the Office of the Auditor General
26 has not completed an audit of the comprehensive annual

1 financial report, then the Comptroller may issue interim
2 reports containing financial information made available by
3 reporting State agencies until an audit opinion is issued by
4 the Auditor General on the comprehensive annual financial
5 report.

6 (Source: P.A. 97-408, eff. 8-16-11; 98-240, eff. 8-9-13.)

7 (15 ILCS 405/28 new)

8 Sec. 28. Comptroller recess appointments. If, during a
9 recess of the Senate, there is a vacancy in an office filled by
10 appointment by the Comptroller by and with the advice and
11 consent of the Senate, the Comptroller shall make a temporary
12 appointment until the next meeting of the Senate, when he or
13 she shall make a nomination to fill such office. Any
14 nomination not acted upon by the Senate within 60 session days
15 after the receipt thereof shall be deemed to have received the
16 advice and consent of the Senate. No person rejected by the
17 Senate for an office shall, except at the Senate's request, be
18 nominated again for that office at the same session or be
19 appointed to that office during a recess of that Senate.

20 Section 15. The Personnel Code is amended by changing
21 Section 4c as follows:

22 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

23 Sec. 4c. General exemptions. The following positions in

1 State service shall be exempt from jurisdictions A, B, and C,
2 unless the jurisdictions shall be extended as provided in this
3 Act:

4 (1) All officers elected by the people.

5 (2) All positions under the Lieutenant Governor,
6 Secretary of State, State Treasurer, State Comptroller,
7 State Board of Education, Clerk of the Supreme Court,
8 Attorney General, and State Board of Elections.

9 (3) Judges, and officers and employees of the courts,
10 and notaries public.

11 (4) All officers and employees of the Illinois General
12 Assembly, all employees of legislative commissions, all
13 officers and employees of the Illinois Legislative
14 Reference Bureau and the Legislative Printing Unit.

15 (5) All positions in the Illinois National Guard and
16 Illinois State Guard, paid from federal funds or positions
17 in the State Military Service filled by enlistment and
18 paid from State funds.

19 (6) All employees of the Governor at the executive
20 mansion and on his immediate personal staff.

21 (7) Directors of Departments, the Adjutant General,
22 the Assistant Adjutant General, the Director of the
23 Illinois Emergency Management Agency, members of boards
24 and commissions, and all other positions appointed by the
25 Governor by and with the consent of the Senate.

26 (8) The presidents, other principal administrative

1 officers, and teaching, research and extension faculties
2 of Chicago State University, Eastern Illinois University,
3 Governors State University, Illinois State University,
4 Northeastern Illinois University, Northern Illinois
5 University, Western Illinois University, the Illinois
6 Community College Board, Southern Illinois University,
7 Illinois Board of Higher Education, University of
8 Illinois, State Universities Civil Service System,
9 University Retirement System of Illinois, and the
10 administrative officers and scientific and technical staff
11 of the Illinois State Museum.

12 (9) All other employees except the presidents, other
13 principal administrative officers, and teaching, research
14 and extension faculties of the universities under the
15 jurisdiction of the Board of Regents and the colleges and
16 universities under the jurisdiction of the Board of
17 Governors of State Colleges and Universities, Illinois
18 Community College Board, Southern Illinois University,
19 Illinois Board of Higher Education, Board of Governors of
20 State Colleges and Universities, the Board of Regents,
21 University of Illinois, State Universities Civil Service
22 System, University Retirement System of Illinois, so long
23 as these are subject to the provisions of the State
24 Universities Civil Service Act.

25 (10) The State Police so long as they are subject to
26 the merit provisions of the State Police Act.

1 (11) (Blank).

2 (12) The technical and engineering staffs of the
3 Department of Transportation, the Department of Nuclear
4 Safety, the Pollution Control Board, and the Illinois
5 Commerce Commission, and the technical and engineering
6 staff providing architectural and engineering services in
7 the Department of Central Management Services.

8 (13) All employees of the Illinois State Toll Highway
9 Authority.

10 (14) The Secretary of the Illinois Workers'
11 Compensation Commission.

12 (15) All persons who are appointed or employed by the
13 Director of Insurance under authority of Section 202 of
14 the Illinois Insurance Code to assist the Director of
15 Insurance in discharging his responsibilities relating to
16 the rehabilitation, liquidation, conservation, and
17 dissolution of companies that are subject to the
18 jurisdiction of the Illinois Insurance Code.

19 (16) All employees of the St. Louis Metropolitan Area
20 Airport Authority.

21 (17) All investment officers employed by the Illinois
22 State Board of Investment.

23 (18) Employees of the Illinois Young Adult
24 Conservation Corps program, administered by the Illinois
25 Department of Natural Resources, authorized grantee under
26 Title VIII of the Comprehensive Employment and Training

1 Act of 1973, 29 USC 993.

2 (19) Seasonal employees of the Department of
3 Agriculture for the operation of the Illinois State Fair
4 and the DuQuoin State Fair, no one person receiving more
5 than 29 days of such employment in any calendar year.

6 (20) All "temporary" employees hired under the
7 Department of Natural Resources' Illinois Conservation
8 Service, a youth employment program that hires young
9 people to work in State parks for a period of one year or
10 less.

11 (21) All hearing officers of the Human Rights
12 Commission.

13 (22) All employees of the Illinois Mathematics and
14 Science Academy.

15 (23) All employees of the Kankakee River Valley Area
16 Airport Authority.

17 (24) The commissioners and employees of the Executive
18 Ethics Commission.

19 (25) The Executive Inspectors General, including
20 special Executive Inspectors General, and employees of
21 each Office of an Executive Inspector General.

22 (26) The commissioners and employees of the
23 Legislative Ethics Commission.

24 (27) The Legislative Inspector General, including
25 special Legislative Inspectors General, and employees of
26 the Office of the Legislative Inspector General.

1 (28) The Auditor General's Inspector General and
2 employees of the Office of the Auditor General's Inspector
3 General.

4 (29) All employees of the Illinois Power Agency.

5 (30) Employees having demonstrable, defined advanced
6 skills in accounting, financial reporting, or technical
7 expertise who are employed within executive branch
8 agencies and whose duties are directly related to the
9 submission to the Office of the Comptroller of financial
10 information for the publication of the Comprehensive
11 Annual Financial Report ~~(CAFR)~~.

12 (31) All employees of the Illinois Sentencing Policy
13 Advisory Council.

14 (Source: P.A. 100-1148, eff. 12-10-18.)

15 Section 20. The State Finance Act is amended by changing
16 Section 25 as follows:

17 (30 ILCS 105/25) (from Ch. 127, par. 161)

18 Sec. 25. Fiscal year limitations.

19 (a) All appropriations shall be available for expenditure
20 for the fiscal year or for a lesser period if the Act making
21 that appropriation so specifies. A deficiency or emergency
22 appropriation shall be available for expenditure only through
23 June 30 of the year when the Act making that appropriation is
24 enacted unless that Act otherwise provides.

1 (b) Outstanding liabilities as of June 30, payable from
2 appropriations which have otherwise expired, may be paid out
3 of the expiring appropriations during the 2-month period
4 ending at the close of business on August 31. Extensions of
5 lapse period may be made for individual agencies or funds only
6 upon the signed authorization of the Governor and Comptroller,
7 and shall not be extended by more than an additional 30 days.

8 Any service involving professional or artistic skills or any
9 personal services by an employee whose compensation is subject
10 to income tax withholding must be performed as of June 30 of
11 the fiscal year in order to be considered an "outstanding
12 liability as of June 30" that is thereby eligible for payment
13 out of the expiring appropriation.

14 (b-1) However, payment of tuition reimbursement claims
15 under Section 14-7.03 or 18-3 of the School Code may be made by
16 the State Board of Education from its appropriations for those
17 respective purposes for any fiscal year, even though the
18 claims reimbursed by the payment may be claims attributable to
19 a prior fiscal year, and payments may be made at the direction
20 of the State Superintendent of Education from the fund from
21 which the appropriation is made without regard to any fiscal
22 year limitations, except as required by subsection (j) of this
23 Section. Beginning on June 30, 2021, payment of tuition
24 reimbursement claims under Section 14-7.03 or 18-3 of the
25 School Code as of June 30, payable from appropriations that
26 have otherwise expired, may be paid out of the expiring

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

3 (b-2) (Blank).

4 (b-2.5) (Blank).

5 (b-2.6) (Blank).

6 (b-2.6a) (Blank).

7 (b-2.6b) (Blank).

8 (b-2.6c) (Blank).

9 (b-2.6d) All outstanding liabilities as of June 30, 2020,
10 payable from appropriations that would otherwise expire at the
11 conclusion of the lapse period for fiscal year 2020, and
12 interest penalties payable on those liabilities under the
13 State Prompt Payment Act, may be paid out of the expiring
14 appropriations until December 31, 2020, without regard to the
15 fiscal year in which the payment is made, as long as vouchers
16 for the liabilities are received by the Comptroller no later
17 than September 30, 2020.

18 (b-2.7) For fiscal years 2012, 2013, 2014, 2018, 2019,
19 2020, and 2021, interest penalties payable under the State
20 Prompt Payment Act associated with a voucher for which payment
21 is issued after June 30 may be paid out of the next fiscal
22 year's appropriation. The future year appropriation must be
23 for the same purpose and from the same fund as the original
24 payment. An interest penalty voucher submitted against a
25 future year appropriation must be submitted within 60 days
26 after the issuance of the associated voucher, except that, for

1 fiscal year 2018 only, an interest penalty voucher submitted
2 against a future year appropriation must be submitted within
3 60 days of June 5, 2019 (the effective date of Public Act
4 101-10). The Comptroller must issue the interest payment
5 within 60 days after acceptance of the interest voucher.

6 (b-3) Medical payments may be made by the Department of
7 Veterans' Affairs from its appropriations for those purposes
8 for any fiscal year, without regard to the fact that the
9 medical services being compensated for by such payment may
10 have been rendered in a prior fiscal year, except as required
11 by subsection (j) of this Section. Beginning on June 30, 2021,
12 medical payments payable from appropriations that have
13 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-4) Medical payments and child care payments may be made
17 by the Department of Human Services (as successor to the
18 Department of Public Aid) from appropriations for those
19 purposes for any fiscal year, without regard to the fact that
20 the medical or child care services being compensated for by
21 such payment may have been rendered in a prior fiscal year; and
22 payments may be made at the direction of the Department of
23 Healthcare and Family Services (or successor agency) from the
24 Health Insurance Reserve Fund without regard to any fiscal
25 year limitations, except as required by subsection (j) of this
26 Section. Beginning on June 30, 2021, medical and child care

1 payments made by the Department of Human Services and payments
2 made at the discretion of the Department of Healthcare and
3 Family Services (or successor agency) from the Health
4 Insurance Reserve Fund and payable from appropriations that
5 have otherwise expired may be paid out of the expiring
6 appropriation during the 4-month period ending at the close of
7 business on October 31.

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

23 (b-6) (Blank).

24 (b-7) Payments may be made in accordance with a plan
25 authorized by paragraph (11) or (12) of Section 405-105 of the
26 Department of Central Management Services Law from

1 appropriations for those payments without regard to fiscal
2 year limitations.

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

13 (b-9) (Blank).

14 (c) Further, payments may be made by the Department of
15 Public Health and the Department of Human Services (acting as
16 successor to the Department of Public Health under the
17 Department of Human Services Act) from their respective
18 appropriations for grants for medical care to or on behalf of
19 premature and high-mortality risk infants and their mothers
20 and for grants for supplemental food supplies provided under
21 the United States Department of Agriculture Women, Infants and
22 Children Nutrition Program, for any fiscal year without regard
23 to the fact that the services being compensated for by such
24 payment may have been rendered in a prior fiscal year, except
25 as required by subsection (j) of this Section. Beginning on
26 June 30, 2021, payments made by the Department of Public

1 Health and the Department of Human Services from their
2 respective appropriations for grants for medical care to or on
3 behalf of premature and high-mortality risk infants and their
4 mothers and for grants for supplemental food supplies provided
5 under the United States Department of Agriculture Women,
6 Infants and Children Nutrition Program payable from
7 appropriations that have otherwise expired may be paid out of
8 the expiring appropriations during the 4-month period ending
9 at the close of business on October 31.

10 (d) The Department of Public Health and the Department of
11 Human Services (acting as successor to the Department of
12 Public Health under the Department of Human Services Act)
13 shall each annually submit to the State Comptroller, Senate
14 President, Senate Minority Leader, Speaker of the House, House
15 Minority Leader, and the respective Chairmen and Minority
16 Spokesmen of the Appropriations Committees of the Senate and
17 the House, on or before December 31, a report of fiscal year
18 funds used to pay for services provided in any prior fiscal
19 year. This report shall document by program or service
20 category those expenditures from the most recently completed
21 fiscal year used to pay for services provided in prior fiscal
22 years.

23 (e) The Department of Healthcare and Family Services, the
24 Department of Human Services (acting as successor to the
25 Department of Public Aid), and the Department of Human
26 Services making fee-for-service payments relating to substance

1 abuse treatment services provided during a previous fiscal
2 year shall each annually submit to the State Comptroller,
3 Senate President, Senate Minority Leader, Speaker of the
4 House, House Minority Leader, the respective Chairmen and
5 Minority Spokesmen of the Appropriations Committees of the
6 Senate and the House, on or before November 30, a report that
7 shall document by program or service category those
8 expenditures from the most recently completed fiscal year used
9 to pay for (i) services provided in prior fiscal years and (ii)
10 services for which claims were received in prior fiscal years.

11 (f) The Department of Human Services (as successor to the
12 Department of Public Aid) shall annually submit to the State
13 Comptroller, Senate President, Senate Minority Leader, Speaker
14 of the House, House Minority Leader, and the respective
15 Chairmen and Minority Spokesmen of the Appropriations
16 Committees of the Senate and the House, on or before December
17 31, a report of fiscal year funds used to pay for services
18 (other than medical care) provided in any prior fiscal year.
19 This report shall document by program or service category
20 those expenditures from the most recently completed fiscal
21 year used to pay for services provided in prior fiscal years.

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

26 (1) Explanations of the exact causes of the variance

1 between the previous year's estimated and actual
2 liabilities.

3 (2) Factors affecting the Department of Healthcare and
4 Family Services' liabilities, including, but not limited
5 to, numbers of aid recipients, levels of medical service
6 utilization by aid recipients, and inflation in the cost
7 of medical services.

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

10 (h) As provided in Section 4 of the General Assembly
11 Compensation Act, any utility bill for service provided to a
12 General Assembly member's district office for a period
13 including portions of 2 consecutive fiscal years may be paid
14 from funds appropriated for such expenditure in either fiscal
15 year.

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

18 (1) billing user agencies in advance for payments or
19 authorized inter-fund transfers based on estimated charges
20 for goods or services;

21 (2) issuing credits, refunding through inter-fund
22 transfers, or reducing future inter-fund transfers during
23 the subsequent fiscal year for all user agency payments or
24 authorized inter-fund transfers received during the prior
25 fiscal year which were in excess of the final amounts owed
26 by the user agency for that period; and

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

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

14 (i-1) Beginning on July 1, 2021, all outstanding
15 liabilities, not payable during the 4-month lapse period as
16 described in subsections (b-1), (b-3), (b-4), (b-5), and (c)
17 of this Section, that are made from appropriations for that
18 purpose for any fiscal year, without regard to the fact that
19 the services being compensated for by those payments may have
20 been rendered in a prior fiscal year, are limited to only those
21 claims that have been incurred but for which a proper bill or
22 invoice as defined by the State Prompt Payment Act has not been
23 received by September 30th following the end of the fiscal
24 year in which the service was rendered.

25 (j) Notwithstanding any other provision of this Act, the
26 aggregate amount of payments to be made without regard for

1 fiscal year limitations as contained in subsections (b-1),
2 (b-3), (b-4), (b-5), and (c) of this Section, and determined
3 by using Generally Accepted Accounting Principles, shall not
4 exceed the following amounts:

5 (1) \$6,000,000,000 for outstanding liabilities related
6 to fiscal year 2012;

7 (2) \$5,300,000,000 for outstanding liabilities related
8 to fiscal year 2013;

9 (3) \$4,600,000,000 for outstanding liabilities related
10 to fiscal year 2014;

11 (4) \$4,000,000,000 for outstanding liabilities related
12 to fiscal year 2015;

13 (5) \$3,300,000,000 for outstanding liabilities related
14 to fiscal year 2016;

15 (6) \$2,600,000,000 for outstanding liabilities related
16 to fiscal year 2017;

17 (7) \$2,000,000,000 for outstanding liabilities related
18 to fiscal year 2018;

19 (8) \$1,300,000,000 for outstanding liabilities related
20 to fiscal year 2019;

21 (9) \$600,000,000 for outstanding liabilities related
22 to fiscal year 2020; and

23 (10) \$0 for outstanding liabilities related to fiscal
24 year 2021 and fiscal years thereafter.

25 (k) Department of Healthcare and Family Services Medical
26 Assistance Payments.

1 (1) Definition of Medical Assistance.

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

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

15 (A) The maximum amounts of annual unpaid Medical
16 Assistance bills received and recorded by the
17 Department of Healthcare and Family Services on or
18 before June 30th of a particular fiscal year
19 attributable in aggregate to the General Revenue Fund,
20 Healthcare Provider Relief Fund, Tobacco Settlement
21 Recovery Fund, Long-Term Care Provider Fund, and the
22 Drug Rebate Fund that may be paid in total by the
23 Department from future fiscal year Medical Assistance
24 appropriations to those funds are: \$700,000,000 for
25 fiscal year 2013 and \$100,000,000 for fiscal year 2014
26 and each fiscal year thereafter.

1 (B) Bills for Medical Assistance services rendered
2 in a particular fiscal year, but received and recorded
3 by the Department of Healthcare and Family Services
4 after June 30th of that fiscal year, may be paid from
5 either appropriations for that fiscal year or future
6 fiscal year appropriations for Medical Assistance.
7 Such payments shall not be subject to the requirements
8 of subparagraph (A).

9 (C) Medical Assistance bills received by the
10 Department of Healthcare and Family Services in a
11 particular fiscal year, but subject to payment amount
12 adjustments in a future fiscal year may be paid from a
13 future fiscal year's appropriation for Medical
14 Assistance. Such payments shall not be subject to the
15 requirements of subparagraph (A).

16 (D) Medical Assistance payments made by the
17 Department of Healthcare and Family Services from
18 funds other than those specifically referenced in
19 subparagraph (A) may be made from appropriations for
20 those purposes for any fiscal year without regard to
21 the fact that the Medical Assistance services being
22 compensated for by such payment may have been rendered
23 in a prior fiscal year. Such payments shall not be
24 subject to the requirements of subparagraph (A).

25 (3) Extended lapse period for Department of Healthcare
26 and Family Services Medical Assistance payments.

1 Notwithstanding any other State law to the contrary,
2 outstanding Department of Healthcare and Family Services
3 Medical Assistance liabilities, as of June 30th, payable
4 from appropriations which have otherwise expired, may be
5 paid out of the expiring appropriations during the 4-month
6 ~~6-month~~ period ending at the close of business on October
7 ~~December~~ 31st. Extensions of Healthcare and Family
8 Services Medical Assistance payments lapse period may be
9 made upon the signed authorization of the Governor and
10 Comptroller, and shall not be extended by more than an
11 additional 30 days.

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

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

24 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
25 101-10, eff. 6-5-19; 101-275, eff. 8-9-19; 101-636, eff.
26 6-10-20.)

1 (30 ILCS 105/11.5 rep.)

2 Section 25. The State Finance Act is amended by repealing
3 Section 11.5.

4 Section 30. The Illinois Procurement Code is amended by
5 changing Section 20-80 as follows:

6 (30 ILCS 500/20-80)

7 Sec. 20-80. Contract files.

8 (a) Written determinations. All written determinations
9 required under this Article shall be placed in the contract
10 file maintained by the chief procurement officer.

11 (b) Filing with Comptroller. Whenever a grant, defined
12 pursuant to accounting standards established by the
13 Comptroller, or a contract liability, except for: (1)
14 contracts paid from personal services, ~~or~~ (2) contracts
15 between the State and its employees to defer compensation in
16 accordance with Article 24 of the Illinois Pension Code, or
17 (3) contracts that do not obligate funds held within the State
18 treasury for fiscal year 2022 and thereafter, exceeding
19 \$20,000 is incurred by any State agency, a copy of the
20 contract, purchase order, grant, or lease shall be filed with
21 the Comptroller within 30 calendar days thereafter. Beginning
22 in fiscal year 2022, information pertaining to contracts
23 exceeding \$20,000 that do not obligate funds held within the

1 State treasury shall be submitted in a quarterly report to the
2 Comptroller in a form and manner prescribed by the
3 Comptroller. The Comptroller shall make the quarterly report
4 available on his or her website. Beginning January 1, 2013,
5 the Comptroller may require that contracts and grants required
6 to be filed with the Comptroller under this Section shall be
7 filed electronically, unless the agency is incapable of filing
8 the contract or grant electronically because it does not
9 possess the necessary technology or equipment. Any State
10 agency that is incapable of electronically filing its
11 contracts or grants shall submit a written statement to the
12 Governor and to the Comptroller attesting to the reasons for
13 its inability to comply. This statement shall include a
14 discussion of what the State agency needs in order to
15 effectively comply with this Section. Prior to requiring
16 electronic filing, the Comptroller shall consult with the
17 Governor as to the feasibility of establishing mutually
18 agreeable technical standards for the electronic document
19 imaging, storage, and transfer of contracts and grants, taking
20 into consideration the technology available to that agency,
21 best practices, and the technological capabilities of State
22 agencies. Nothing in this amendatory Act of the 97th General
23 Assembly shall be construed to impede the implementation of an
24 Enterprise Resource Planning (ERP) system. For each State
25 contract for supplies or services awarded on or after July 1,
26 2010, the contracting agency shall provide the applicable rate

1 and unit of measurement of the supplies or services on the
2 contract obligation document as required by the Comptroller.
3 If the contract obligation document that is submitted to the
4 Comptroller contains the rate and unit of measurement of the
5 supplies or services, the Comptroller shall provide that
6 information on his or her official website. Any cancellation
7 or modification to any such contract liability shall be filed
8 with the Comptroller within 30 calendar days of its execution.

9 (c) Late filing affidavit. When a contract, purchase
10 order, grant, or lease required to be filed by this Section has
11 not been filed within 30 calendar days of execution, the
12 Comptroller shall refuse to issue a warrant for payment
13 thereunder until the agency files with the Comptroller the
14 contract, purchase order, grant, or lease and an affidavit,
15 signed by the chief executive officer of the agency or his or
16 her designee, setting forth an explanation of why the contract
17 liability was not filed within 30 calendar days of execution.
18 A copy of this affidavit shall be filed with the Auditor
19 General.

20 (d) Timely execution of contracts. Except as set forth in
21 subsection (b) of this Section, no voucher shall be submitted
22 to the Comptroller for a warrant to be drawn for the payment of
23 money from the State treasury or from other funds held by the
24 State Treasurer on account of any contract unless the contract
25 is reduced to writing before the services are performed and
26 filed with the Comptroller. Contractors shall not be paid for

1 any supplies that were received or services that were rendered
2 before the contract was reduced to writing and signed by all
3 necessary parties. A chief procurement officer may request an
4 exception to this subsection by submitting a written statement
5 to the Comptroller and Treasurer setting forth the
6 circumstances and reasons why the contract could not be
7 reduced to writing before the supplies were received or
8 services were performed. A waiver of this subsection must be
9 approved by the Comptroller and Treasurer. This Section shall
10 not apply to emergency purchases if notice of the emergency
11 purchase is filed with the Procurement Policy Board and
12 published in the Bulletin as required by this Code.

13 (e) Method of source selection. When a contract is filed
14 with the Comptroller under this Section, the Comptroller's
15 file shall identify the method of source selection used in
16 obtaining the contract.

17 (Source: P.A. 100-43, eff. 8-9-17.)

18 Section 35. The State Prompt Payment Act is amended by
19 changing Sections 8 and 9 as follows:

20 (30 ILCS 540/8)

21 Sec. 8. Vendor Payment Program.

22 (a) As used in this Section:

23 "Applicant" means any entity seeking to be designated
24 as a qualified purchaser.

1 "Application period" means the time period when the
2 Program is accepting applications as determined by the
3 Department of Central Management Services.

4 "Assigned penalties" means penalties payable by the
5 State in accordance with this Act that are assigned to the
6 qualified purchaser of an assigned receivable.

7 "Assigned receivable" means the base invoice amount of
8 a qualified account receivable and any associated assigned
9 penalties due, currently and in the future, in accordance
10 with this Act.

11 "Assignment agreement" means an agreement executed and
12 delivered by a participating vendor and a qualified
13 purchaser, in which the participating vendor will assign
14 one or more qualified accounts receivable to the qualified
15 purchaser and make certain representations and warranties
16 in respect thereof.

17 "Base invoice amount" means the unpaid principal
18 amount of the invoice associated with an assigned
19 receivable.

20 "Department" means the Department of Central
21 Management Services.

22 "Medical assistance program" means any program which
23 provides medical assistance under Article V of the
24 Illinois Public Aid Code, including Medicaid.

25 "Participating vendor" means a vendor whose
26 application for the sale of a qualified account receivable

1 is accepted for purchase by a qualified purchaser under
2 the Program terms.

3 "Program" means a Vendor Payment Program.

4 "Prompt payment penalties" means penalties payable by
5 the State in accordance with this Act.

6 "Purchase price" means 100% of the base invoice amount
7 associated with an assigned receivable minus: (1) any
8 deductions against the assigned receivable arising from
9 State offsets; and (2) if and to the extent exercised by a
10 qualified purchaser, other deductions for amounts owed by
11 the participating vendor to the qualified purchaser for
12 State offsets applied against other accounts receivable
13 assigned by the participating vendor to the qualified
14 purchaser under the Program.

15 "Qualified account receivable" means an account
16 receivable due and payable by the State that is
17 outstanding for 90 days or more, is eligible to accrue
18 prompt payment penalties under this Act and is verified by
19 the relevant State agency. A qualified account receivable
20 shall not include any account receivable related to
21 medical assistance program (including Medicaid) payments
22 or any other accounts receivable, the transfer or
23 assignment of which is prohibited by, or otherwise
24 prevented by, applicable law.

25 "Qualified purchaser" means any entity that, during
26 any application period, is approved by the Department of

1 Central Management Services to participate in the Program
2 on the basis of certain qualifying criteria as determined
3 by the Department.

4 "State offsets" means any amount deducted from
5 payments made by the State in respect of any qualified
6 account receivable due to the State's exercise of any
7 offset or other contractual rights against a participating
8 vendor. For the purpose of this Section, "State offsets"
9 include statutorily required administrative fees imposed
10 under the State Comptroller Act.

11 "Sub-participant" means any individual or entity that
12 intends to purchase assigned receivables, directly or
13 indirectly, by or through an applicant or qualified
14 purchaser for the purposes of the Program.

15 "Sub-participant certification" means an instrument
16 executed and delivered to the Department of Central
17 Management Services by a sub-participant, in which the
18 sub-participant certifies its agreement, among others, to
19 be bound by the terms and conditions of the Program as a
20 condition to its participation in the Program as a
21 sub-participant.

22 (b) This Section reflects the provisions of Section
23 900.125 of Title 74 of the Illinois Administrative Code prior
24 to January 1, 2018. The requirements of this Section establish
25 the criteria for participation by participating vendors and
26 qualified purchasers in a Vendor Payment Program. Information

1 regarding the Vendor Payment Program may be found at the
2 Internet website for the Department of Central Management
3 Services.

4 (c) The ~~State Comptroller and the~~ Department of Central
5 Management Services is ~~are~~ authorized to establish and
6 implement the Program under Section 3-3. This Section applies
7 to all qualified accounts receivable not otherwise excluded
8 from receiving prompt payment interest under Section 900.120
9 of Title 74 of the Illinois Administrative Code. This Section
10 shall not apply to the purchase of any accounts receivable
11 related to payments made under a medical assistance program,
12 including Medicaid payments, or any other purchase of accounts
13 receivable that is otherwise prohibited by law.

14 (d) Under the Program, qualified purchasers may purchase
15 from participating vendors certain qualified accounts
16 receivable owed by the State to the participating vendors. A
17 participating vendor shall not simultaneously apply to sell
18 the same qualified account receivable to more than one
19 qualified purchaser. In consideration of the payment of the
20 purchase price, a participating vendor shall assign to the
21 qualified purchaser all of its rights to payment of the
22 qualified account receivable, including all current and future
23 prompt payment penalties due to that qualified account
24 receivable in accordance with this Act.

25 (e) A vendor may apply to participate in the Program if:

26 (1) the vendor is owed an account receivable by the

1 State for which prompt payment penalties have commenced
2 accruing;

3 (2) the vendor's account receivable is eligible to
4 accrue prompt payment penalty interest under this Act;

5 (3) the vendor's account receivable is not for
6 payments under a medical assistance program; and

7 (4) the vendor's account receivable is not prohibited
8 by, or otherwise prevented by, applicable law from being
9 transferred or assigned under this Section.

10 (f) The Department shall review and approve or disapprove
11 each applicant seeking a qualified purchaser designation.
12 Factors to be considered by the Department in determining
13 whether an applicant shall be designated as a qualified
14 purchaser include, but are not limited to, the following:

15 (1) the qualified purchaser's agreement to commit a
16 minimum purchase amount as established from time to time
17 by the Department based upon the current needs of the
18 Program and the qualified purchaser's demonstrated ability
19 to fund its commitment;

20 (2) the demonstrated ability of a qualified
21 purchaser's sub-participants to fund their portions of a
22 qualified purchaser's minimum purchase commitment;

23 (3) the ability of a qualified purchaser and its
24 sub-participants to meet standards of responsibility
25 substantially in accordance with the requirements of the
26 Standards of Responsibility found in subsection (b) of

1 Section 1.2046 of Title 44 of the Illinois Administrative
2 Code concerning government contracts, procurement, and
3 property management;

4 (4) the agreement of each qualified purchaser, at its
5 sole cost and expense, to administer and facilitate the
6 operation of the Program with respect to that qualified
7 purchaser, including, without limitation, assisting
8 potential participating vendors with the application and
9 assignment process;

10 (5) the agreement of each qualified purchaser, at its
11 sole cost and expense, to establish a website that is
12 determined by the Department to be sufficient to
13 administer the Program in accordance with the terms and
14 conditions of the Program;

15 (6) the agreement of each qualified purchaser, at its
16 sole cost and expense, to market the Program to potential
17 participating vendors;

18 (7) the agreement of each qualified purchaser, at its
19 sole cost and expense, to educate participating vendors
20 about the benefits and risks associated with participation
21 in the Program;

22 (8) the agreement of each qualified purchaser, at its
23 sole cost and expense, to deposit funds into, release
24 funds from, and otherwise maintain all required accounts
25 in accordance with the terms and conditions of the
26 Program. Subject to the Program terms, all required

1 accounts shall be maintained and controlled by the
2 qualified purchaser at the qualified purchaser's sole cost
3 and at no cost, whether in the form of fees or otherwise,
4 to the participating vendors;

5 (9) the agreement of each qualified purchaser, at its
6 sole cost and expense, to submit a monthly written report,
7 in an acceptable electronic format, to the State
8 Comptroller or its designee and the Department or its
9 designee, within 10 days after the end of each month,
10 which, unless otherwise specified by the Department, at a
11 minimum, shall contain:

12 (A) a listing of each assigned receivable
13 purchased by that qualified purchaser during the
14 month, specifying the base invoice amount and invoice
15 date of that assigned receivable and the name of the
16 participating vendor, State contract number, voucher
17 number, and State agency associated with that assigned
18 receivable;

19 (B) a listing of each assigned receivable with
20 respect to which the qualified purchaser has received
21 payment of the base invoice amount from the State
22 during that month, including the amount of and date on
23 which that payment was made and the name of the
24 participating vendor, State contract number, voucher
25 number, and State agency associated with the assigned
26 receivable, and identifying the relevant application

1 period for each assigned receivable;

2 (C) a listing of any payments of assigned
3 penalties received from the State during the month,
4 including the amount of and date on which the payment
5 was made, the name of the participating vendor, the
6 voucher number for the assigned penalty receivable,
7 and the associated assigned receivable, including the
8 State contract number, voucher number, and State
9 agency associated with the assigned receivable, and
10 identifying the relevant application period for each
11 assigned receivable;

12 (D) the aggregate number and dollar value of
13 assigned receivables purchased by the qualified
14 purchaser from the date on which that qualified
15 purchaser commenced participating in the Program
16 through the last day of the month;

17 (E) the aggregate number and dollar value of
18 assigned receivables purchased by the qualified
19 purchaser for which no payment by the State of the base
20 invoice amount has yet been received, from the date on
21 which the qualified purchaser commenced participating
22 in the Program through the last day of the month;

23 (F) the aggregate number and dollar value of
24 invoices purchased by the qualified purchaser for
25 which no voucher has been submitted; and

26 (G) any other data the State Comptroller and the

1 Department may reasonably request from time to time;

2 (10) the agreement of each qualified purchaser to use
3 its reasonable best efforts, and for any sub-participant
4 to cause a qualified purchaser to use its reasonable best
5 efforts, to diligently pursue receipt of assigned
6 penalties associated with the assigned receivables,
7 including, without limitation, by promptly notifying the
8 relevant State agency that an assigned penalty is due and,
9 if necessary, seeking payment of assigned penalties
10 through the Illinois Court of Claims; and

11 (11) the agreement of each qualified purchaser and any
12 sub-participant to use their reasonable best efforts to
13 implement the Program terms and to perform their
14 obligations under the Program in a timely fashion.

15 (g) Each qualified purchaser's performance and
16 implementation of its obligations under subsection (f) shall
17 be subject to review by the Department and the State
18 Comptroller at any time to confirm that the qualified
19 purchaser is undertaking those obligations in a manner
20 consistent with the terms and conditions of the Program. A
21 qualified purchaser's failure to so perform its obligations
22 including, without limitation, its obligations to diligently
23 pursue receipt of assigned penalties associated with assigned
24 receivables, shall be grounds for the Department and the State
25 Comptroller to terminate the qualified purchaser's
26 participation in the Program under subsection (i). Any such

1 termination shall be without prejudice to any rights a
2 participating vendor may have against that qualified
3 purchaser, in law or in equity, including, without limitation,
4 the right to enforce the terms of the assignment agreement and
5 of the Program against the qualified purchaser.

6 (h) In determining whether any applicant shall be
7 designated as a qualified purchaser, the Department shall have
8 the right to review or approve sub-participants that intend to
9 purchase assigned receivables, directly or indirectly, by or
10 through the applicant. The Department reserves the right to
11 reject or terminate the designation of any applicant as a
12 qualified purchaser or require an applicant to exclude a
13 proposed sub-participant in order to become or remain a
14 qualified purchaser on the basis of a review, whether prior to
15 or after the designation. Each applicant and each qualified
16 purchaser has an affirmative obligation to promptly notify the
17 Department of any change or proposed change in the identity of
18 the sub-participants that it disclosed to the Department no
19 later than 3 business days after that change. Each
20 sub-participant shall be required to execute a sub-participant
21 certification that will be attached to the corresponding
22 qualified purchaser designation. Sub-participants shall meet,
23 at a minimum, the requirements of paragraphs (2), (3), (10),
24 and (11) of subsection (f).

25 (i) The Program, as codified under this Section, shall
26 continue until terminated or suspended as follows:

1 (1) The Program may be terminated or suspended: (A) by
2 the State Comptroller, after consulting with the
3 Department, by giving 10 days prior written notice to the
4 Department and the qualified purchasers in the Program; or
5 (B) by the Department, after consulting with the State
6 Comptroller, by giving 10 days prior written notice to the
7 State Comptroller and the qualified purchasers in the
8 Program.

9 (2) In the event a qualified purchaser or
10 sub-participant breaches or fails to meet any of the terms
11 or conditions of the Program, that qualified purchaser or
12 sub-participant may be terminated from the Program: (A) by
13 the State Comptroller, after consulting with the
14 Department. The termination shall be effective immediately
15 upon the State Comptroller giving written notice to the
16 Department and the qualified purchaser or sub-participant;
17 or (B) by the Department, after consulting with the State
18 Comptroller. The termination shall be effective
19 immediately upon the Department giving written notice to
20 the State Comptroller and the qualified purchaser or
21 sub-participant.

22 (3) A qualified purchaser or sub-participant may
23 terminate its participation in the Program, solely with
24 respect to its own participation in the Program, in the
25 event of any change to this Act from the form that existed
26 on the date that the qualified purchaser or the

1 sub-participant, as applicable, submitted the necessary
2 documentation for admission into the Program if the change
3 materially and adversely affects the qualified purchaser's
4 or the sub-participant's ability to purchase and receive
5 payment on receivables on the terms described in this
6 Section.

7 If the Program, a qualified purchaser, or a
8 sub-participant is terminated or suspended under paragraph (1)
9 or (2) of this subsection (i), the Program, qualified
10 purchaser, or sub-participant may be reinstated only by
11 written agreement of the State Comptroller and the Department.
12 No termination or suspension under paragraph (1), (2), or (3)
13 of this subsection (i) shall alter or affect the qualified
14 purchaser's or sub-participant's obligations with respect to
15 assigned receivables purchased by or through the qualified
16 purchaser prior to the termination.

17 (Source: P.A. 100-1089, eff. 8-24-18; 101-81, eff. 7-12-19.)

18 (30 ILCS 540/9)

19 Sec. 9. Vendor Payment Program financial backer
20 disclosure.

21 (a) Within 60 days after August 24, 2018 (the effective
22 date of Public Act 100-1089) ~~this amendatory Act of the 100th~~
23 ~~General Assembly~~, at the time of application, and annually on
24 August ~~July~~ 1 of each year for the previous fiscal year, each
25 qualified purchaser shall submit to the Department and the

1 State Comptroller the following information about each person,
2 director, owner, officer, association, financial backer,
3 partnership, other entity, corporation, or trust with an
4 indirect or direct financial interest in each qualified
5 purchaser:

6 (1) percent ownership;

7 (2) type of ownership;

8 (3) first name, middle name, last name, maiden name
9 (if applicable), including aliases or former names;

10 (4) mailing address;

11 (5) type of business entity, if applicable;

12 (6) dates and jurisdiction of business formation or
13 incorporation, if applicable;

14 (7) names of controlling shareholders, class of stock,
15 percentage ownership;

16 (8) any indirect earnings resulting from the Program;
17 and

18 (9) any earnings associated with the Program to any
19 parties not previously disclosed.

20 (b) Within 60 days after August 24, 2018 (the effective
21 date of Public Act 100-1089) ~~this amendatory Act of the 100th~~
22 ~~General Assembly~~, at the time of application, and annually on
23 August July 1 of each year for the previous fiscal year, each
24 trust associated with the qualified purchaser shall submit to
25 the Department and the State Comptroller the following
26 information:

1 (1) names, addresses, dates of birth, and percentages
2 of interest of all beneficiaries;

3 (2) any indirect earnings resulting from the Program;
4 and

5 (3) any earnings associated with the Program to any
6 parties not previously disclosed.

7 (c) Each qualified purchaser must submit a statement to
8 the State Comptroller and the Department of Central Management
9 Services disclosing whether such qualified purchaser or any
10 related person, director, owner, officer, or financial backer
11 has previously or currently retained or contracted with any
12 registered lobbyist, lawyer, accountant, or other consultant
13 to prepare the disclosure required under this Section.

14 (Source: P.A. 100-1089, eff. 8-24-18.)

15 Section 40. The Property Tax Code is amended by changing
16 Section 30-31 as follows:

17 (35 ILCS 200/30-31)

18 Sec. 30-31. Fiscal Responsibility Report Card; State
19 Comptroller. The State Comptroller, within 180 days of the
20 conclusion of the fiscal year of the State, shall make
21 available on the Comptroller's website ~~submit to the General~~
22 ~~Assembly and the clerk of each county~~ a Fiscal Responsibility
23 Report Card in the form prescribed by the State Comptroller
24 after consultation with other State Constitutional officers

1 selected by the State Comptroller. The Fiscal Responsibility
2 Report Card shall inform the General Assembly and the county
3 clerks about the amounts, sources, and uses of tax revenues
4 received and expended by each taxing district, other than a
5 school district, that imposes ad valorem taxes.

6 (Source: Incorporates P.A. 88-280; 88-670, eff. 12-2-94.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.

1		INDEX
2		Statutes amended in order of appearance
3	5 ILCS 340/3	from Ch. 15, par. 503
4	5 ILCS 340/5	from Ch. 15, par. 505
5	5 ILCS 340/7	from Ch. 15, par. 507
6	15 ILCS 405/17	from Ch. 15, par. 217
7	15 ILCS 405/19.5	
8	15 ILCS 405/28 new	
9	20 ILCS 415/4c	from Ch. 127, par. 63b104c
10	30 ILCS 105/25	from Ch. 127, par. 161
11	30 ILCS 105/11.5 rep.	
12	30 ILCS 500/20-80	
13	30 ILCS 540/8	
14	30 ILCS 540/9	
15	35 ILCS 200/30-31	