



Rep. Gary Hannig

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LRB096 04276 RCE 22375 a

1 AMENDMENT TO HOUSE BILL 289

2 AMENDMENT NO. _____. Amend House Bill 289, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Interfund Borrowing Act of 2009.

7 Section 5. Interfund transfers.

8 (a) Notwithstanding any other provision of State law to the
9 contrary, on the effective date of this Act, or as soon
10 thereafter as practical, for the purpose of making hospital
11 access payments as set forth in the Title XIX State plan
12 amendments 08-06 and 08-07 submitted by the Department of
13 Healthcare and Family Services and approved by the Center for
14 Medicaid and State Operations as required in 305 ILCS
15 5/5A-12.2, the State Comptroller shall direct and the State
16 Treasurer shall transfer amounts into the Hospital Provider

1 Fund from the designated funds not exceeding the following
2 totals:

3	General Obligation Bond Retirement	
4	and Interest Fund	\$335,000,000
5	State Employees' Retirement System Fund	\$175,000,000

6 (b) On and after the effective date of this Act of the 96th
7 General Assembly through April 14, 2009, if either the General
8 Obligation Bond Retirement and Interest Fund or the State
9 Employees' Retirement System Fund has insufficient cash from
10 which the State Comptroller may make expenditures properly
11 supported by appropriations from the fund, then the State
12 Treasurer and State Comptroller shall transfer from the General
13 Revenue Fund to the fund only such amount as is immediately
14 necessary to satisfy outstanding expenditure obligations on a
15 timely basis, subject to the provisions of the State Prompt
16 Payment Act. All or a portion of the amounts transferred from
17 the General Revenue Fund to a fund pursuant to this subsection
18 (b) from time to time may be re-transferred by the State
19 Comptroller and the State Treasurer from the receiving fund
20 into the General Revenue Fund as soon as and to the extent that
21 deposits are made into or receipts are collected by the
22 receiving fund.

23 (c) As soon as practical upon receipt of assessment
24 payments to the Hospital Provider Fund pursuant to 305 ILCS

1 5/5A-2 and 5/5A-4, but under no circumstance later than April
2 14, 2009, any amounts transferred to the Hospital Provider Fund
3 under the authority of this Section shall be transferred back
4 and receipted by the specific fund of origin, with the General
5 Obligation Bond Retirement and Interest Fund first being repaid
6 in full. These transfers back to the funds of origin shall be
7 made and receipted notwithstanding any other State law to the
8 contrary. If, as of April 14, 2009, there is insufficient money
9 in the Hospital Provider Fund to make the transfers as provided
10 in this Section, then those transfers shall instead be made
11 from the General Revenue Fund. Transfers must be made from the
12 Hospital Provider Fund to the General Revenue Fund to replace
13 any such transfers made as soon as there is sufficient money in
14 the Hospital Provider Fund to do so.

15 Section 10. Interest payable to the General Obligation Bond
16 Retirement and Interest Fund and the State Employees'
17 Retirement System Fund. As soon as practical after all amounts
18 initially transferred from the General Obligation Bond
19 Retirement and Interest Fund and the State Employees'
20 Retirement System Fund have been transferred back pursuant to
21 Section 5 of this Act, the State Treasurer shall calculate the
22 amounts of interest that would have accrued to both the General
23 Obligation Bond Retirement and Interest Fund and the State
24 Employees' Retirement System Fund if those transfers had not
25 occurred and transfer those amounts from the Hospital Provider

1 Fund to the General Obligation Bond Retirement and Interest
2 Fund and the State Employees' Retirement System Fund.

3 Section 15. Prohibition on payments to contractors. No fees
4 or expenses shall be paid by the State to any contractual legal
5 counsel, financial advisor, or other consultant or contractor
6 in relation to the actions authorized pursuant to this Act.

7 Section 90. The Illinois Public Aid Code is amended by
8 changing Section 5A-8 as follows:

9 (305 ILCS 5/5A-8) (from Ch. 23, par. 5A-8)

10 Sec. 5A-8. Hospital Provider Fund.

11 (a) There is created in the State Treasury the Hospital
12 Provider Fund. Interest earned by the Fund shall be credited to
13 the Fund. The Fund shall not be used to replace any moneys
14 appropriated to the Medicaid program by the General Assembly.

15 (b) The Fund is created for the purpose of receiving moneys
16 in accordance with Section 5A-6 and disbursing moneys only for
17 the following purposes, notwithstanding any other provision of
18 law:

19 (1) For making payments to hospitals as required under
20 Articles V, VI, and XIV of this Code, under the Children's
21 Health Insurance Program Act, and under the Covering ALL
22 KIDS Health Insurance Act.

23 (2) For the reimbursement of moneys collected by the

1 Illinois Department from hospitals or hospital providers
2 through error or mistake in performing the activities
3 authorized under this Article and Article V of this Code.

4 (3) For payment of administrative expenses incurred by
5 the Illinois Department or its agent in performing the
6 activities authorized by this Article.

7 (4) For payments of any amounts which are reimbursable
8 to the federal government for payments from this Fund which
9 are required to be paid by State warrant.

10 (5) For making transfers, as those transfers are
11 authorized in the proceedings authorizing debt under the
12 Short Term Borrowing Act, but transfers made under this
13 paragraph (5) shall not exceed the principal amount of debt
14 issued in anticipation of the receipt by the State of
15 moneys to be deposited into the Fund.

16 (6) For making transfers to any other fund in the State
17 treasury, but transfers made under this paragraph (6) shall
18 not exceed the amount transferred previously from that
19 other fund into the Hospital Provider Fund.

20 (7) For State fiscal years 2004 and 2005 for making
21 transfers to the Health and Human Services Medicaid Trust
22 Fund, including 20% of the moneys received from hospital
23 providers under Section 5A-4 and transferred into the
24 Hospital Provider Fund under Section 5A-6. For State fiscal
25 year 2006 for making transfers to the Health and Human
26 Services Medicaid Trust Fund of up to \$130,000,000 per year

1 of the moneys received from hospital providers under
 2 Section 5A-4 and transferred into the Hospital Provider
 3 Fund under Section 5A-6. Transfers under this paragraph
 4 shall be made within 7 days after the payments have been
 5 received pursuant to the schedule of payments provided in
 6 subsection (a) of Section 5A-4.

7 (7.5) For State fiscal year 2007 for making transfers
 8 of the moneys received from hospital providers under
 9 Section 5A-4 and transferred into the Hospital Provider
 10 Fund under Section 5A-6 to the designated funds not
 11 exceeding the following amounts in that State fiscal year:

12 Health and Human Services

13 Medicaid Trust Fund	\$20,000,000
14 Long-Term Care Provider Fund	\$30,000,000
15 General Revenue Fund	\$80,000,000.

16 Transfers under this paragraph shall be made within 7
 17 days after the payments have been received pursuant to the
 18 schedule of payments provided in subsection (a) of Section
 19 5A-4.

20 (7.8) For State fiscal year 2008, for making transfers
 21 of the moneys received from hospital providers under
 22 Section 5A-4 and transferred into the Hospital Provider
 23 Fund under Section 5A-6 to the designated funds not
 24 exceeding the following amounts in that State fiscal year:

25 Health and Human Services

26 Medicaid Trust Fund	\$40,000,000
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1 Long-Term Care Provider Fund \$60,000,000
 2 General Revenue Fund \$160,000,000.

3 Transfers under this paragraph shall be made within 7
 4 days after the payments have been received pursuant to the
 5 schedule of payments provided in subsection (a) of Section
 6 5A-4.

7 (7.9) For State fiscal years 2009 through 2013, for
 8 making transfers of the moneys received from hospital
 9 providers under Section 5A-4 and transferred into the
 10 Hospital Provider Fund under Section 5A-6 to the designated
 11 funds not exceeding the following amounts in that State
 12 fiscal year:

13 Health and Human Services
 14 Medicaid Trust Fund \$20,000,000
 15 Long Term Care Provider Fund \$30,000,000
 16 General Revenue Fund \$80,000,000.

17 Except as provided under this paragraph, transfers
 18 ~~Transfers~~ under this paragraph shall be made within 7
 19 business days after the payments have been received
 20 pursuant to the schedule of payments provided in subsection
 21 (a) of Section 5A-4. For State fiscal year 2009, transfers
 22 to the General Revenue Fund under this paragraph shall be
 23 made on or before June 30, 2009, as sufficient funds become
 24 available in the Hospital Provider Fund to both make the
 25 transfers and continue hospital payments.

26 (8) For making refunds to hospital providers pursuant

1 to Section 5A-10.

2 Disbursements from the Fund, other than transfers
3 authorized under paragraphs (5) and (6) of this subsection,
4 shall be by warrants drawn by the State Comptroller upon
5 receipt of vouchers duly executed and certified by the Illinois
6 Department.

7 (c) The Fund shall consist of the following:

8 (1) All moneys collected or received by the Illinois
9 Department from the hospital provider assessment imposed
10 by this Article.

11 (2) All federal matching funds received by the Illinois
12 Department as a result of expenditures made by the Illinois
13 Department that are attributable to moneys deposited in the
14 Fund.

15 (3) Any interest or penalty levied in conjunction with
16 the administration of this Article.

17 (4) Moneys transferred from another fund in the State
18 treasury.

19 (5) All other moneys received for the Fund from any
20 other source, including interest earned thereon.

21 (d) (Blank).

22 (Source: P.A. 94-242, eff. 7-18-05; 94-839, eff. 6-6-06;
23 95-707, eff. 1-11-08; 95-859, eff. 8-19-08.)

24 Section 95. Repeal. The Interfund Borrowing Act of 2009 is
25 repealed on July 1, 2009.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".