



Sen. Dan Kotowski

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1 AMENDMENT TO HOUSE BILL 2891

2 AMENDMENT NO. _____. Amend House Bill 2891, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "ARTICLE 1. SHORT TITLE; PURPOSE

6 Section 1-1. Short title. This Act may be cited as the
7 FY2013 Budget Implementation (Supplemental) Act.

8 Section 1-5. Purpose. It is the purpose of this Act to make
9 changes in State programs that are necessary to implement the
10 Governor's fiscal year 2013 budget recommendations.

11 ARTICLE 5. AMENDATORY PROVISIONS

12 Section 5-5. The State Budget Law of the Civil
13 Administrative Code of Illinois is amended by changing Section

1 50-5 as follows:

2 (15 ILCS 20/50-5)

3 Sec. 50-5. Governor to submit State budget.

4 (a) The Governor shall, as soon as possible and not later
5 than the second Wednesday in March in 2010 (March 10, 2010),
6 the third Wednesday in February in 2011, the fourth Wednesday
7 in February in 2012 (February 22, 2012), the first Wednesday in
8 March in 2013 (March 6, 2013), and the third Wednesday in
9 February of each year thereafter, except as otherwise provided
10 in this Section, submit a State budget, embracing therein the
11 amounts recommended by the Governor to be appropriated to the
12 respective departments, offices, and institutions, and for all
13 other public purposes, the estimated revenues from taxation,
14 and the estimated revenues from sources other than taxation.
15 Except with respect to the capital development provisions of
16 the State budget, beginning with the revenue estimates prepared
17 for fiscal year 2012, revenue estimates shall be based solely
18 on: (i) revenue sources (including non-income resources),
19 rates, and levels that exist as of the date of the submission
20 of the State budget for the fiscal year and (ii) revenue
21 sources (including non-income resources), rates, and levels
22 that have been passed by the General Assembly as of the date of
23 the submission of the State budget for the fiscal year and that
24 are authorized to take effect in that fiscal year. Except with
25 respect to the capital development provisions of the State

1 budget, the Governor shall determine available revenue, deduct
2 the cost of essential government services, including, but not
3 limited to, pension payments and debt service, and assign a
4 percentage of the remaining revenue to each statewide
5 prioritized goal, as established in Section 50-25 of this Law,
6 taking into consideration the proposed goals set forth in the
7 report of the Commission established under that Section. The
8 Governor shall also demonstrate how spending priorities for the
9 fiscal year fulfill those statewide goals. The amounts
10 recommended by the Governor for appropriation to the respective
11 departments, offices and institutions shall be formulated
12 according to each department's, office's, and institution's
13 ability to effectively deliver services that meet the
14 established statewide goals. The amounts relating to
15 particular functions and activities shall be further
16 formulated in accordance with the object classification
17 specified in Section 13 of the State Finance Act. In addition,
18 the amounts recommended by the Governor for appropriation shall
19 take into account each State agency's effectiveness in
20 achieving its prioritized goals for the previous fiscal year,
21 as set forth in Section 50-25 of this Law, giving priority to
22 agencies and programs that have demonstrated a focus on the
23 prevention of waste and the maximum yield from resources.

24 Beginning in fiscal year 2011, the Governor shall
25 distribute written quarterly financial reports on operating
26 funds, which may include general, State, or federal funds and

1 may include funds related to agencies that have significant
2 impacts on State operations, and budget statements on all
3 appropriated funds to the General Assembly and the State
4 Comptroller. The reports shall be submitted no later than 45
5 days after the last day of each quarter of the fiscal year and
6 shall be posted on the Governor's Office of Management and
7 Budget's website on the same day. The reports shall be prepared
8 and presented for each State agency and on a statewide level in
9 an executive summary format that may include, for the fiscal
10 year to date, individual itemizations for each significant
11 revenue type as well as itemizations of expenditures and
12 obligations, by agency, with an appropriate level of detail.
13 The reports shall include a calculation of the actual total
14 budget surplus or deficit for the fiscal year to date. The
15 Governor shall also present periodic budget addresses
16 throughout the fiscal year at the invitation of the General
17 Assembly.

18 The Governor shall not propose expenditures and the General
19 Assembly shall not enact appropriations that exceed the
20 resources estimated to be available, as provided in this
21 Section. Appropriations may be adjusted during the fiscal year
22 by means of one or more supplemental appropriation bills if any
23 State agency either fails to meet or exceeds the goals set
24 forth in Section 50-25 of this Law.

25 For the purposes of Article VIII, Section 2 of the 1970
26 Illinois Constitution, the State budget for the following funds

1 shall be prepared on the basis of revenue and expenditure
2 measurement concepts that are in concert with generally
3 accepted accounting principles for governments:

- 4 (1) General Revenue Fund.
- 5 (2) Common School Fund.
- 6 (3) Educational Assistance Fund.
- 7 (4) Road Fund.
- 8 (5) Motor Fuel Tax Fund.
- 9 (6) Agricultural Premium Fund.

10 These funds shall be known as the "budgeted funds". The
11 revenue estimates used in the State budget for the budgeted
12 funds shall include the estimated beginning fund balance, plus
13 revenues estimated to be received during the budgeted year,
14 plus the estimated receipts due the State as of June 30 of the
15 budgeted year that are expected to be collected during the
16 lapse period following the budgeted year, minus the receipts
17 collected during the first 2 months of the budgeted year that
18 became due to the State in the year before the budgeted year.
19 Revenues shall also include estimated federal reimbursements
20 associated with the recognition of Section 25 of the State
21 Finance Act liabilities. For any budgeted fund for which
22 current year revenues are anticipated to exceed expenditures,
23 the surplus shall be considered to be a resource available for
24 expenditure in the budgeted fiscal year.

25 Expenditure estimates for the budgeted funds included in
26 the State budget shall include the costs to be incurred by the

1 State for the budgeted year, to be paid in the next fiscal
2 year, excluding costs paid in the budgeted year which were
3 carried over from the prior year, where the payment is
4 authorized by Section 25 of the State Finance Act. For any
5 budgeted fund for which expenditures are expected to exceed
6 revenues in the current fiscal year, the deficit shall be
7 considered as a use of funds in the budgeted fiscal year.

8 Revenues and expenditures shall also include transfers
9 between funds that are based on revenues received or costs
10 incurred during the budget year.

11 Appropriations for expenditures shall also include all
12 anticipated statutory continuing appropriation obligations
13 that are expected to be incurred during the budgeted fiscal
14 year.

15 By March 15 of each year, the Commission on Government
16 Forecasting and Accountability shall prepare revenue and fund
17 transfer estimates in accordance with the requirements of this
18 Section and report those estimates to the General Assembly and
19 the Governor.

20 For all funds other than the budgeted funds, the proposed
21 expenditures shall not exceed funds estimated to be available
22 for the fiscal year as shown in the budget. Appropriation for a
23 fiscal year shall not exceed funds estimated by the General
24 Assembly to be available during that year.

25 (b) By February 24, 2010, the Governor must file a written
26 report with the Secretary of the Senate and the Clerk of the

1 House of Representatives containing the following:

2 (1) for fiscal year 2010, the revenues for all budgeted
3 funds, both actual to date and estimated for the full
4 fiscal year;

5 (2) for fiscal year 2010, the expenditures for all
6 budgeted funds, both actual to date and estimated for the
7 full fiscal year;

8 (3) for fiscal year 2011, the estimated revenues for
9 all budgeted funds, including without limitation the
10 affordable General Revenue Fund appropriations, for the
11 full fiscal year; and

12 (4) for fiscal year 2011, an estimate of the
13 anticipated liabilities for all budgeted funds, including
14 without limitation the affordable General Revenue Fund
15 appropriations, debt service on bonds issued, and the
16 State's contributions to the pension systems, for the full
17 fiscal year.

18 Between July 1 and August 31 of each fiscal year, the
19 members of the General Assembly and members of the public may
20 make written budget recommendations to the Governor.

21 Beginning with budgets prepared for fiscal year 2013, the
22 budgets submitted by the Governor and appropriations made by
23 the General Assembly for all executive branch State agencies
24 must adhere to a method of budgeting where each priority must
25 be justified each year according to merit rather than according
26 to the amount appropriated for the preceding year.

1 (Source: P.A. 96-1, eff. 2-17-09; 96-320, eff. 1-1-10; 96-881,
2 eff. 2-11-10; 96-958, eff. 7-1-10; 96-1000, eff. 7-2-10;
3 96-1529, eff. 2-16-11; 96-1531, eff. 2-16-11; 97-669, eff.
4 1-13-12; 97-813, eff. 7-13-12.)

5 Section 5-15. The State Finance Act is amended by changing
6 Section 6z-81 and by adding Sections 5i and 5j as follows:

7 (30 ILCS 105/5i new)

8 Sec. 5i. Transfers. Each year, the Governor's Office of
9 Management and Budget shall, at the time set forth for the
10 submission of the State budget under Section 50-5 of the State
11 Budget Law, provide to the Chairman and the Minority
12 Spokesperson of each of the appropriations committees of the
13 House of Representatives and the Senate a report of (i) all
14 full fiscal year transfers from the General Revenue Fund to any
15 other special fund of the State in the previous fiscal year and
16 during the current fiscal year to date, and (ii) all projected
17 full fiscal year transfers from the General Revenue Fund to
18 those funds for the remainder of the current fiscal year and
19 the next fiscal year, based on estimates prepared by the
20 Governor's Office of Management and Budget. The report shall
21 include a detailed summary of the estimates upon which the
22 projected transfers are based. The report shall also indicate,
23 for each transfer:

24 (1) whether or not there is statutory authority for the

1 transfer;

2 (2) if there is statutory authority for the transfer,
3 whether that statutory authority exists for the next fiscal
4 year; and

5 (3) whether there is debt service associated with the
6 transfer.

7 The General Assembly shall consider the report in the
8 appropriations process.

9 (30 ILCS 105/5j new)

10 Sec. 5j. Transfers to the Illinois State Medical
11 Disciplinary Fund. Notwithstanding any other provision of law,
12 for Fiscal Year 2013 only and as soon as practicable after the
13 effective date of this amendatory Act of the 97th General
14 Assembly, the State Comptroller shall order and the State
15 Treasurer shall transfer to the Illinois State Medical
16 Disciplinary Fund from the cash balances in special funds that
17 receive revenues from the fees and fines associated with the
18 licensing of regulated professions, trades, occupations, and
19 industries by the Department of Financial and Professional
20 Regulation a specific amount that shall be determined by the
21 Secretary of the Department of Financial and Professional
22 Regulation. The total amount transferred under this Section
23 shall not exceed \$9,600,000.

24 (30 ILCS 105/6z-81)

1 Sec. 6z-81. Healthcare Provider Relief Fund.

2 (a) There is created in the State treasury a special fund
3 to be known as the Healthcare Provider Relief Fund.

4 (b) The Fund is created for the purpose of receiving and
5 disbursing moneys in accordance with this Section.
6 Disbursements from the Fund shall be made only as follows:

7 (1) Subject to appropriation, for payment by the
8 Department of Healthcare and Family Services or by the
9 Department of Human Services of medical bills and related
10 expenses, including administrative expenses, for which the
11 State is responsible under Titles XIX and XXI of the Social
12 Security Act, the Illinois Public Aid Code, the Children's
13 Health Insurance Program Act, the Covering ALL KIDS Health
14 Insurance Act, and the Long Term Acute Care Hospital
15 Quality Improvement Transfer Program Act.

16 (2) For repayment of funds borrowed from other State
17 funds or from outside sources, including interest thereon.

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

19 (1) Moneys received by the State from short-term
20 borrowing pursuant to the Short Term Borrowing Act on or
21 after the effective date of this amendatory Act of the 96th
22 General Assembly.

23 (2) All federal matching funds received by the Illinois
24 Department of Healthcare and Family Services as a result of
25 expenditures made by the Department that are attributable
26 to moneys deposited in the Fund.

1 (3) All federal matching funds received by the Illinois
2 Department of Healthcare and Family Services as a result of
3 federal approval of Title XIX State plan amendment
4 transmittal number 07-09.

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

7 (d) In addition to any other transfers that may be provided
8 for by law, on the effective date of this amendatory Act of the
9 97th General Assembly, or as soon thereafter as practical, the
10 State Comptroller shall direct and the State Treasurer shall
11 transfer the sum of \$365,000,000 from the General Revenue Fund
12 into the Healthcare Provider Relief Fund.

13 (e) In addition to any other transfers that may be provided
14 for by law, on July 1, 2011, or as soon thereafter as
15 practical, the State Comptroller shall direct and the State
16 Treasurer shall transfer the sum of \$160,000,000 from the
17 General Revenue Fund to the Healthcare Provider Relief Fund.

18 (f) Notwithstanding any other State law to the contrary,
19 and in addition to any other transfers that may be provided for
20 by law, the State Comptroller shall order transferred and the
21 State Treasurer shall transfer \$500,000,000 to the Healthcare
22 Provider Relief Fund from the General Revenue Fund in equal
23 monthly installments of \$100,000,000, with the first transfer
24 to be made on July 1, 2012, or as soon thereafter as practical,
25 and with each of the remaining transfers to be made on August
26 1, 2012, September 1, 2012, October 1, 2012, and November 1,

1 2012, or as soon thereafter as practical. This transfer may
2 assist the Department of Healthcare and Family Services in
3 improving Medical Assistance bill processing timeframes or in
4 meeting the possible requirements of Senate Bill 3397, or other
5 similar legislation, of the 97th General Assembly should it
6 become law.

7 (g) Notwithstanding any other State law to the contrary,
8 and in addition to any other transfers that may be provided for
9 by law, the State Comptroller shall order transferred and the
10 State Treasurer shall transfer \$151,000,000 to the Healthcare
11 Provider Relief Fund from the General Revenue Fund in equal
12 monthly installments of \$37,750,000, with the first transfer to
13 be made 30 days after the effective date of this amendatory Act
14 of the 97th General Assembly, or as soon thereafter as
15 practical, and with each of the remaining transfers to be made
16 60, 90, and 120 days after the effective date of this
17 amendatory Act of the 97th General Assembly, or as soon
18 thereafter as practical.

19 (Source: P.A. 96-820, eff. 11-18-09; 96-1100, eff. 1-1-11;
20 97-44, eff. 6-28-11; 97-641, eff. 12-19-11; 97-689, eff.
21 6-14-12; 97-732, eff. 6-30-12; revised 7-10-12.)

22 ARTICLE 99. EFFECTIVE DATE

23 Section 99-99. Effective date. This Act takes effect upon
24 becoming law."