



Sen. John J. Cullerton

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09700HB3188sam004

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1 AMENDMENT TO HOUSE BILL 3188

2 AMENDMENT NO. _____. Amend House Bill 3188, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The State Finance Act is amended by changing
6 Section 25 as follows:

7 (30 ILCS 105/25) (from Ch. 127, par. 161)

8 Sec. 25. Fiscal year limitations.

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

15 (b) Outstanding liabilities as of June 30, payable from
16 appropriations which have otherwise expired, may be paid out of

1 the expiring appropriations during the 2-month period ending at
2 the close of business on August 31. Any service involving
3 professional or artistic skills or any personal services by an
4 employee whose compensation is subject to income tax
5 withholding must be performed as of June 30 of the fiscal year
6 in order to be considered an "outstanding liability as of June
7 30" that is thereby eligible for payment out of the expiring
8 appropriation.

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

24 (b-2) All outstanding liabilities as of June 30, 2010,
25 payable from appropriations that would otherwise expire at the
26 conclusion of the lapse period for fiscal year 2010, and

1 interest penalties payable on those liabilities under the State
2 Prompt Payment Act, may be paid out of the expiring
3 appropriations until December 31, 2010, without regard to the
4 fiscal year in which the payment is made, as long as vouchers
5 for the liabilities are received by the Comptroller no later
6 than August 31, 2010.

7 (b-2.5) All outstanding liabilities as of June 30, 2011,
8 payable from appropriations that would otherwise expire at the
9 conclusion of the lapse period for fiscal year 2011, and
10 interest penalties payable on those liabilities under the State
11 Prompt Payment Act, may be paid out of the expiring
12 appropriations until December 31, 2011, without regard to the
13 fiscal year in which the payment is made, as long as vouchers
14 for the liabilities are received by the Comptroller no later
15 than August 31, 2011.

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

26 (b-4) Medical payments may be made by the Department of

1 Healthcare and Family Services and medical payments and child
2 care payments may be made by the Department of Human Services
3 (as successor to the Department of Public Aid) from
4 appropriations for those purposes for any fiscal year, without
5 regard to the fact that the medical or child care services
6 being compensated for by such payment may have been rendered in
7 a prior fiscal year; and payments may be made at the direction
8 of the Department of Healthcare and Family Services from the
9 Health Insurance Reserve Fund and the Local Government Health
10 Insurance Reserve Fund without regard to any fiscal year
11 limitations, except as required by subsection (j) of this
12 Section. Beginning on June 30, 2021, medical payments made by
13 the Department of Healthcare and Family Services, child care
14 payments made by the Department of Human Services, and payments
15 made at the discretion of the Department of Healthcare and
16 Family Services from the Health Insurance Reserve Fund and the
17 Local Government Health Insurance Reserve Fund payable from
18 appropriations that have otherwise expired may be paid out of
19 the expiring appropriation during the 4-month period ending at
20 the close of business on October 31.

21 (b-5) Medical payments may be made by the Department of
22 Human Services from its appropriations relating to substance
23 abuse treatment services for any fiscal year, without regard to
24 the fact that the medical services being compensated for by
25 such payment may have been rendered in a prior fiscal year,
26 provided the payments are made on a fee-for-service basis

1 consistent with requirements established for Medicaid
2 reimbursement by the Department of Healthcare and Family
3 Services, except as required by subsection (j) of this Section.
4 Beginning on June 30, 2021, medical payments made by the
5 Department of Human Services relating to substance abuse
6 treatment services payable from appropriations that have
7 otherwise expired may be paid out of the expiring appropriation
8 during the 4-month period ending at the close of business on
9 October 31.

10 (b-6) Additionally, payments may be made by the Department
11 of Human Services from its appropriations, or any other State
12 agency from its appropriations with the approval of the
13 Department of Human Services, from the Immigration Reform and
14 Control Fund for purposes authorized pursuant to the
15 Immigration Reform and Control Act of 1986, without regard to
16 any fiscal year limitations, except as required by subsection
17 (j) of this Section. Beginning on June 30, 2021, payments made
18 by the Department of Human Services from the Immigration Reform
19 and Control Fund for purposes authorized pursuant to the
20 Immigration Reform and Control Act of 1986 payable from
21 appropriations that have otherwise expired may be paid out of
22 the expiring appropriation during the 4-month period ending at
23 the close of business on October 31.

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 year
2 limitations.

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

1 appropriations that have otherwise expired may be paid out of
2 the expiring appropriations during the 4-month period ending at
3 the close of business on October 31.

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

16 (e) The Department of Healthcare and Family Services, the
17 Department of Human Services (acting as successor to the
18 Department of Public Aid), and the Department of Human Services
19 making fee-for-service payments relating to substance abuse
20 treatment services provided during a previous fiscal year shall
21 each annually submit to the State Comptroller, Senate
22 President, Senate Minority Leader, Speaker of the House, House
23 Minority Leader, the respective Chairmen and Minority
24 Spokesmen of the Appropriations Committees of the Senate and
25 the House, on or before November 30, a report that shall
26 document by program or service category those expenditures from

1 the most recently completed fiscal year used to pay for (i)
2 services provided in prior fiscal years and (ii) services for
3 which claims were received in prior fiscal years.

4 (f) The Department of Human Services (as successor to the
5 Department of Public Aid) shall annually submit to the State
6 Comptroller, Senate President, Senate Minority Leader, Speaker
7 of the House, House Minority Leader, and the respective
8 Chairmen and Minority Spokesmen of the Appropriations
9 Committees of the Senate and the House, on or before December
10 31, a report of fiscal year funds used to pay for services
11 (other than medical care) provided in any prior fiscal year.
12 This report shall document by program or service category those
13 expenditures from the most recently completed fiscal year used
14 to pay for services provided in prior fiscal years.

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

19 (1) Explanations of the exact causes of the variance
20 between the previous year's estimated and actual
21 liabilities.

22 (2) Factors affecting the Department of Healthcare and
23 Family Services' liabilities, including but not limited to
24 numbers of aid recipients, levels of medical service
25 utilization by aid recipients, and inflation in the cost of
26 medical services.

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

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

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

11 (1) billing user agencies in advance for payments or
12 authorized inter-fund transfers based on estimated charges
13 for goods or services;

14 (2) issuing credits, refunding through inter-fund
15 transfers, or reducing future inter-fund transfers during
16 the subsequent fiscal year for all user agency payments or
17 authorized inter-fund transfers received during the prior
18 fiscal year which were in excess of the final amounts owed
19 by the user agency for that period; and

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

25 User agencies are authorized to reimburse internal service
26 funds for catch-up billings by vouchers drawn against their

1 respective appropriations for the fiscal year in which the
2 catch-up billing was issued or by increasing an authorized
3 inter-fund transfer during the current fiscal year. For the
4 purposes of this Act, "inter-fund transfers" means transfers
5 without the use of the voucher-warrant process, as authorized
6 by Section 9.01 of the State Comptroller Act.

7 (i-1) Beginning on July 1, 2021, all outstanding
8 liabilities, not payable during the 4-month lapse period as
9 described in subsections (b-1), (b-3), (b-4), (b-5), (b-6), and
10 (c) of this Section, that are made from appropriations for that
11 purpose for any fiscal year, without regard to the fact that
12 the services being compensated for by those payments may have
13 been rendered in a prior fiscal year, are limited to only those
14 claims that have been incurred but for which a proper bill or
15 invoice as defined by the State Prompt Payment Act has not been
16 received by September 30th following the end of the fiscal year
17 in which the service was rendered.

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

24 (1) \$6,000,000,000 for outstanding liabilities related
25 to fiscal year 2012;

26 (2) \$5,300,000,000 for outstanding liabilities related

1 to fiscal year 2013;

2 (3) \$4,600,000,000 for outstanding liabilities related
3 to fiscal year 2014;

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

6 (5) \$3,300,000,000 for outstanding liabilities related
7 to fiscal year 2016;

8 (6) \$2,600,000,000 for outstanding liabilities related
9 to fiscal year 2017;

10 (7) \$2,000,000,000 for outstanding liabilities related
11 to fiscal year 2018;

12 (8) \$1,300,000,000 for outstanding liabilities related
13 to fiscal year 2019;

14 (9) \$600,000,000 for outstanding liabilities related
15 to fiscal year 2020; and

16 (10) \$0 for outstanding liabilities related to fiscal
17 year 2021 and fiscal years thereafter.

18 (Source: P.A. 95-331, eff. 8-21-07; 96-928, eff. 6-15-10;
19 96-958, eff. 7-1-10; 96-1501, eff. 1-25-11.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."