



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5224

Introduced 2/8/2012, by Rep. Jim Watson

#### SYNOPSIS AS INTRODUCED:

15 ILCS 405/20  
30 ILCS 540/3-2

from Ch. 15, par. 220

Amends the State Comptroller Act. Provides that State employee addresses shall not be listed on the State employee list maintained by the Comptroller. Amends the State Prompt Payment Act. In a provision requiring an interest penalty of 1.0% for each month or fraction thereof of any amount approved and unpaid within 90 days, changes "fraction thereof" to "00.0033% (1/30%) for each day". Effective immediately.

LRB097 17818 PJG 63035 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 State Comptroller Act is amended by changing  
5 Section 20 as follows:

6 (15 ILCS 405/20) (from Ch. 15, par. 220)

7 Sec. 20. Annual report. The comptroller shall annually, as  
8 soon as possible after the close of the fiscal year but no  
9 later than December 31, make out and present to the Governor,  
10 the President of the Senate, the Speaker of the House of  
11 Representatives, the Minority Leader of the Senate, and the  
12 Minority Leader of the House of Representatives a report,  
13 showing the amount of warrants drawn on the treasury, on other  
14 funds held by the State Treasurer and on any public funds held  
15 by State agencies, during the preceding fiscal year, and  
16 stating, particularly, on what account they were drawn, and if  
17 drawn on the contingent fund, to whom and for what they were  
18 issued. He or she shall, also, at the same time, report to the  
19 Governor, the President of the Senate, the Speaker of the House  
20 of Representatives, the Minority Leader of the Senate, and the  
21 Minority Leader of the House of Representatives the amount of  
22 money received into the treasury, into other funds held by the  
23 State Treasurer and into any other funds held by State agencies

1 during the preceding fiscal year, and stating particularly, the  
2 source from which the same may be derived, and also a general  
3 account of all the business of his office during the preceding  
4 fiscal year. The report shall also summarize for the previous  
5 fiscal year the information required under Section 19.

6 Within 60 days after the expiration of each calendar year,  
7 the comptroller shall compile, from records maintained and  
8 available in his office, a list of all persons including those  
9 employed in the office of the comptroller, who have been  
10 employed by the State during the past calendar year and paid  
11 from funds in the hands of the State Treasurer.

12 The list shall be arranged according to counties and shall  
13 state in alphabetical order the name of each employee and ~~the~~  
14 ~~address in the county in which he votes, except as specified~~  
15 ~~below,~~ the position and the total salary paid to him or her  
16 during the past calendar year. For all persons employed by the  
17 State, ~~persons employed by the Department of Corrections,~~  
18 ~~Department of Children and Family Services and the Department~~  
19 ~~of State Police~~ no address shall be listed. The list so  
20 compiled and arranged shall be kept on file in the office of  
21 the comptroller and be open to inspection by the public at all  
22 times.

23 No person who utilizes the names obtained from this list  
24 for solicitation shall represent that such solicitation is  
25 authorized by any officer or agency of the State of Illinois.  
26 Violation of this provision is a Business Offense punishable by

1 a fine not to exceed \$3,000.

2 (Source: P.A. 86-1003.)

3 Section 10. The State Prompt Payment Act is amended by  
4 changing Section 3-2 as follows:

5 (30 ILCS 540/3-2)

6 Sec. 3-2. Beginning July 1, 1993, in any instance where a  
7 State official or agency is late in payment of a vendor's bill  
8 or invoice for goods or services furnished to the State, as  
9 defined in Section 1, properly approved in accordance with  
10 rules promulgated under Section 3-3, the State official or  
11 agency shall pay interest to the vendor in accordance with the  
12 following:

13 (1) Any bill, except a bill submitted under Article V  
14 of the Illinois Public Aid Code and except as provided  
15 under paragraph (1.05) of this Section, approved for  
16 payment under this Section must be paid or the payment  
17 issued to the payee within 60 days of receipt of a proper  
18 bill or invoice. If payment is not issued to the payee  
19 within this 60-day period, an interest penalty of 1.0% of  
20 any amount approved and unpaid shall be added for each  
21 month or fraction thereof after the end of this 60-day  
22 period, until final payment is made. Any bill, except a  
23 bill for pharmacy or nursing facility services or goods,  
24 and except as provided under paragraph (1.05) ~~1.05~~ of this

1 Section, submitted under Article V of the Illinois Public  
2 Aid Code approved for payment under this Section must be  
3 paid or the payment issued to the payee within 60 days  
4 after receipt of a proper bill or invoice, and, if payment  
5 is not issued to the payee within this 60-day period, an  
6 interest penalty of 2.0% of any amount approved and unpaid  
7 shall be added for each month or fraction thereof after the  
8 end of this 60-day period, until final payment is made. Any  
9 bill for pharmacy or nursing facility services or goods  
10 submitted under Article V of the Illinois Public Aid Code,  
11 except as provided under paragraph (1.05) of this Section,  
12 and approved for payment under this Section must be paid or  
13 the payment issued to the payee within 60 days of receipt  
14 of a proper bill or invoice. If payment is not issued to  
15 the payee within this 60-day period, an interest penalty of  
16 1.0% of any amount approved and unpaid shall be added for  
17 each month or fraction thereof after the end of this 60-day  
18 period, until final payment is made.

19 (1.05) For State fiscal year 2012 and future fiscal  
20 years, any bill approved for payment under this Section  
21 must be paid or the payment issued to the payee within 90  
22 days of receipt of a proper bill or invoice. If payment is  
23 not issued to the payee within this 90-day period, an  
24 interest penalty of 1.0% of any amount approved and unpaid  
25 shall be added for each month, or 00.0033% (1/30%) of any  
26 amount approved and unpaid for each day, ~~fraction thereof~~

1 after the end of this 90-day period, until final payment is  
2 made.

3 (1.1) A State agency shall review in a timely manner  
4 each bill or invoice after its receipt. If the State agency  
5 determines that the bill or invoice contains a defect  
6 making it unable to process the payment request, the agency  
7 shall notify the vendor requesting payment as soon as  
8 possible after discovering the defect pursuant to rules  
9 promulgated under Section 3-3; provided, however, that the  
10 notice for construction related bills or invoices must be  
11 given not later than 30 days after the bill or invoice was  
12 first submitted. The notice shall identify the defect and  
13 any additional information necessary to correct the  
14 defect. If one or more items on a construction related bill  
15 or invoice are disapproved, but not the entire bill or  
16 invoice, then the portion that is not disapproved shall be  
17 paid.

18 (2) Where a State official or agency is late in payment  
19 of a vendor's bill or invoice properly approved in  
20 accordance with this Act, and different late payment terms  
21 are not reduced to writing as a contractual agreement, the  
22 State official or agency shall automatically pay interest  
23 penalties required by this Section amounting to \$50 or more  
24 to the appropriate vendor. Each agency shall be responsible  
25 for determining whether an interest penalty is owed and for  
26 paying the interest to the vendor. Except as provided in

1 paragraph (4), an individual interest payment amounting to  
2 \$5 or less shall not be paid by the State. Interest due to  
3 a vendor that amounts to greater than \$5 and less than \$50  
4 shall not be paid but shall be accrued until all interest  
5 due the vendor for all similar warrants exceeds \$50, at  
6 which time the accrued interest shall be payable and  
7 interest will begin accruing again, except that interest  
8 accrued as of the end of the fiscal year that does not  
9 exceed \$50 shall be payable at that time. In the event an  
10 individual has paid a vendor for services in advance, the  
11 provisions of this Section shall apply until payment is  
12 made to that individual.

13 (3) The provisions of Public Act 96-1501 reducing the  
14 interest rate on pharmacy claims under Article V of the  
15 Illinois Public Aid Code to 1.0% per month shall apply to  
16 any pharmacy bills for services and goods under Article V  
17 of the Illinois Public Aid Code received on or after the  
18 date 60 days before January 25, 2011 (the effective date of  
19 Public Act 96-1501) except as provided under paragraph  
20 (1.05) of this Section.

21 (4) Interest amounting to less than \$5 shall not be  
22 paid by the State, except for claims (i) to the Department  
23 of Healthcare and Family Services or the Department of  
24 Human Services, (ii) pursuant to Article V of the Illinois  
25 Public Aid Code, the Covering ALL KIDS Health Insurance  
26 Act, or the Children's Health Insurance Program Act, and

1 (iii) made (A) by pharmacies for prescriptive services or  
2 (B) by any federally qualified health center for  
3 prescriptive services or any other services.

4 (Source: P.A. 96-555, eff. 8-18-09; 96-802, eff. 1-1-10;  
5 96-959, eff. 7-1-10; 96-1000, eff. 7-2-10; 96-1501, eff.  
6 1-25-11; 96-1530, eff. 2-16-11; 97-72, eff. 7-1-11; 97-74, eff.  
7 6-30-11; 97-348, eff. 8-12-11; revised 9-7-11.)

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