

SB2045



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2045

Introduced 2/10/2011, by Sen. Kirk W. Dillard - Kyle McCarter

SYNOPSIS AS INTRODUCED:

30 ILCS 105/25

from Ch. 127, par. 161

Amends the State Finance Act. Provides that, beginning on June 30, 2013 (now, 2021), certain payments payable from appropriations that may have otherwise expired may be paid out of the expiring appropriation during the 4-month period ending on October 31. Provides for a \$2,000,000,000 limitation on the aggregate amount of payments to be paid out of these expiring appropriations related to fiscal year 2012.

LRB097 10205 PJG 50401 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

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

6 (30 ILCS 105/25) (from Ch. 127, par. 161)

7 Sec. 25. Fiscal year limitations.

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

14 (b) Outstanding liabilities as of June 30, payable from
15 appropriations which have otherwise expired, may be paid out of
16 the expiring appropriations during the 2-month period ending at
17 the close of business on August 31. Any service involving
18 professional or artistic skills or any personal services by an
19 employee whose compensation is subject to income tax
20 withholding must be performed as of June 30 of the fiscal year
21 in order to be considered an "outstanding liability as of June
22 30" that is thereby eligible for payment out of the expiring
23 appropriation.

1 (b-1) However, payment of tuition reimbursement claims
2 under Section 14-7.03 or 18-3 of the School Code may be made by
3 the State Board of Education from its appropriations for those
4 respective purposes for any fiscal year, even though the claims
5 reimbursed by the payment may be claims attributable to a prior
6 fiscal year, and payments may be made at the direction of the
7 State Superintendent of Education from the fund from which the
8 appropriation is made without regard to any fiscal year
9 limitations, except as required by subsection (j) of this
10 Section. Beginning on June 30, 2013 ~~2021~~, payment of tuition
11 reimbursement claims under Section 14-7.03 or 18-3 of the
12 School Code as of June 30, payable from appropriations that
13 have 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-2) All outstanding liabilities as of June 30, 2010,
17 payable from appropriations that would otherwise expire at the
18 conclusion of the lapse period for fiscal year 2010, and
19 interest penalties payable on those liabilities under the State
20 Prompt Payment Act, may be paid out of the expiring
21 appropriations until December 31, 2010, without regard to the
22 fiscal year in which the payment is made, as long as vouchers
23 for the liabilities are received by the Comptroller no later
24 than August 31, 2010.

25 (b-3) Medical payments may be made by the Department of
26 Veterans' Affairs from its appropriations for those purposes

1 for any fiscal year, without regard to the fact that the
2 medical services being compensated for by such payment may have
3 been rendered in a prior fiscal year, except as required by
4 subsection (j) of this Section. Beginning on June 30, 2013
5 ~~2021~~, medical payments payable from appropriations that have
6 otherwise expired may be paid out of the expiring appropriation
7 during the 4-month period ending at the close of business on
8 October 31.

9 (b-4) Medical payments may be made by the Department of
10 Healthcare and Family Services and medical payments and child
11 care payments may be made by the Department of Human Services
12 (as successor to the Department of Public Aid) from
13 appropriations for those purposes for any fiscal year, without
14 regard to the fact that the medical or child care services
15 being compensated for by such payment may have been rendered in
16 a prior fiscal year; and payments may be made at the direction
17 of the Department of Healthcare and Family Services from the
18 Health Insurance Reserve Fund and the Local Government Health
19 Insurance Reserve Fund without regard to any fiscal year
20 limitations, except as required by subsection (j) of this
21 Section. Beginning on June 30, 2013 ~~2021~~, medical payments made
22 by the Department of Healthcare and Family Services, child care
23 payments made by the Department of Human Services, and payments
24 made at the discretion of the Department of Healthcare and
25 Family Services from the Health Insurance Reserve Fund and the
26 Local Government Health Insurance Reserve Fund payable from

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

4 (b-5) Medical payments may be made by the Department of
5 Human Services from its appropriations relating to substance
6 abuse treatment services for any fiscal year, without regard to
7 the fact that the medical services being compensated for by
8 such payment may have been rendered in a prior fiscal year,
9 provided the payments are made on a fee-for-service basis
10 consistent with requirements established for Medicaid
11 reimbursement by the Department of Healthcare and Family
12 Services, except as required by subsection (j) of this Section.
13 Beginning on June 30, 2013 ~~2021~~, medical payments made by the
14 Department of Human Services relating to substance abuse
15 treatment services payable from appropriations that have
16 otherwise expired may be paid out of the expiring appropriation
17 during the 4-month period ending at the close of business on
18 October 31.

19 (b-6) Additionally, payments may be made by the Department
20 of Human Services from its appropriations, or any other State
21 agency from its appropriations with the approval of the
22 Department of Human Services, from the Immigration Reform and
23 Control Fund for purposes authorized pursuant to the
24 Immigration Reform and Control Act of 1986, without regard to
25 any fiscal year limitations, except as required by subsection
26 (j) of this Section. Beginning on June 30, 2013 ~~2021~~, payments

1 made by the Department of Human Services from the Immigration
2 Reform and Control Fund for purposes authorized pursuant to the
3 Immigration Reform and Control Act of 1986 payable from
4 appropriations that have otherwise expired may be paid out of
5 the expiring appropriation during the 4-month period ending at
6 the close of business on October 31.

7 (b-7) Payments may be made in accordance with a plan
8 authorized by paragraph (11) or (12) of Section 405-105 of the
9 Department of Central Management Services Law from
10 appropriations for those payments without regard to fiscal year
11 limitations.

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

1 30, 2013 ~~2021~~, payments made by the Department of Public
2 Health, the Department of Human Services, and the Department of
3 Healthcare and Family Services from their respective
4 appropriations for grants for medical care to or on behalf of
5 persons suffering from chronic renal disease, persons
6 suffering from hemophilia, rape victims, and premature and
7 high-mortality risk infants and their mothers and for grants
8 for supplemental food supplies provided under the United States
9 Department of Agriculture Women, Infants and Children
10 Nutrition Program payable from appropriations that have
11 otherwise expired may be paid out of the expiring
12 appropriations during the 4-month period ending at the close of
13 business on October 31.

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

26 (e) The Department of Healthcare and Family Services, the

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

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

25 (g) In addition, each annual report required to be
26 submitted by the Department of Healthcare and Family Services

1 under subsection (e) shall include the following information
2 with respect to the State's Medicaid program:

3 (1) Explanations of the exact causes of the variance
4 between the previous year's estimated and actual
5 liabilities.

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

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

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

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

21 (1) billing user agencies in advance for payments or
22 authorized inter-fund transfers based on estimated charges
23 for goods or services;

24 (2) issuing credits, refunding through inter-fund
25 transfers, or reducing future inter-fund transfers during
26 the subsequent fiscal year for all user agency payments or

1 authorized inter-fund transfers received during the prior
2 fiscal year which were in excess of the final amounts owed
3 by the user agency for that period; and

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

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

17 (i-1) Beginning on July 1, 2013 ~~2021~~, all outstanding
18 liabilities, not payable during the 4-month lapse period as
19 described in subsections (b-1), (b-3), (b-4), (b-5), (b-6), and
20 (c) of this Section, that are made from appropriations for that
21 purpose for any fiscal year, without regard to the fact that
22 the services being compensated for by those payments may have
23 been rendered in a prior fiscal year, are limited to only those
24 claims that have been incurred but for which a proper bill or
25 invoice as defined by the State Prompt Payment Act has not been
26 received by September 30th following the end of the fiscal year

1 in which the service was rendered.

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

8 (1) \$2,000,000,000 ~~\$6,000,000,000~~ for outstanding
9 liabilities related to fiscal year 2012;

10 (2) (blank) ~~\$5,300,000,000~~ for outstanding liabilities
11 related to fiscal year 2013;

12 (3) (blank) ~~\$4,600,000,000~~ for outstanding liabilities
13 related to fiscal year 2014;

14 (4) (blank) ~~\$4,000,000,000~~ for outstanding liabilities
15 related to fiscal year 2015;

16 (5) (blank) ~~\$3,300,000,000~~ for outstanding liabilities
17 related to fiscal year 2016;

18 (6) (blank) ~~\$2,600,000,000~~ for outstanding liabilities
19 related to fiscal year 2017;

20 (7) (blank) ~~\$2,000,000,000~~ for outstanding liabilities
21 related to fiscal year 2018;

22 (8) (blank) ~~\$1,300,000,000~~ for outstanding liabilities
23 related to fiscal year 2019;

24 (9) (blank) ~~\$600,000,000~~ for outstanding liabilities
25 related to fiscal year 2020; and

26 (10) \$0 for outstanding liabilities related to fiscal

1 year 2013 ~~2021~~ and fiscal years thereafter.

2 (Source: P.A. 95-331, eff. 8-21-07; 96-928, eff. 6-15-10;

3 96-958, eff. 7-1-10; 96-1501, eff. 1-25-11.)