



Rep. Scott Drury

**Filed: 4/7/2014**

09800HB2946ham002

LRB098 10251 OMW 58344 a

1 AMENDMENT TO HOUSE BILL 2946

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2946, 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-2.6) All outstanding liabilities as of June 30, 2012,  
17 payable from appropriations that would otherwise expire at the  
18 conclusion of the lapse period for fiscal year 2012, 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, 2012, 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, 2012.

25 (b-2.7) For fiscal years 2012, 2013, and 2014, interest  
26 penalties payable under the State Prompt Payment Act associated

1 with a voucher for which payment is issued after June 30 may be  
2 paid out of the next fiscal year's appropriation. The future  
3 year appropriation must be for the same purpose and from the  
4 same fund as the original payment. An interest penalty voucher  
5 submitted against a future year appropriation must be submitted  
6 within 60 days after the issuance of the associated voucher,  
7 and the Comptroller must issue the interest payment within 60  
8 days after acceptance of the interest voucher.

9 (b-3) Medical payments may be made by the Department of  
10 Veterans' Affairs from its appropriations for those purposes  
11 for any fiscal year, without regard to the fact that the  
12 medical services being compensated for by such payment may have  
13 been rendered in a prior fiscal year, except as required by  
14 subsection (j) of this Section. Beginning on June 30, 2021,  
15 medical payments 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-4) Medical payments and child care payments may be made  
20 by the Department of Human Services (as successor to the  
21 Department of Public Aid) from appropriations for those  
22 purposes for any fiscal year, without regard to the fact that  
23 the medical or child care services being compensated for by  
24 such payment may have been rendered in a prior fiscal year; and  
25 payments may be made at the direction of the Department of  
26 Healthcare and Family Services (or successor agency) from the

1 Health Insurance Reserve Fund without regard to any fiscal year  
2 limitations, except as required by subsection (j) of this  
3 Section. Beginning on June 30, 2021, medical and child care  
4 payments made by the Department of Human Services and payments  
5 made at the discretion of the Department of Healthcare and  
6 Family Services (or successor agency) from the Health Insurance  
7 Reserve Fund and payable from appropriations that have  
8 otherwise expired may be paid out of the expiring appropriation  
9 during the 4-month period ending at the close of business on  
10 October 31.

11 (b-5) Medical payments may be made by the Department of  
12 Human Services from its appropriations relating to substance  
13 abuse treatment services for any fiscal year, without regard to  
14 the fact that the medical services being compensated for by  
15 such payment may have been rendered in a prior fiscal year,  
16 provided the payments are made on a fee-for-service basis  
17 consistent with requirements established for Medicaid  
18 reimbursement by the Department of Healthcare and Family  
19 Services, except as required by subsection (j) of this Section.  
20 Beginning on June 30, 2021, medical payments made by the  
21 Department of Human Services relating to substance abuse  
22 treatment services 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-6) Additionally, payments may be made by the Department

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

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

19 (b-8) Reimbursements to eligible airport sponsors for the  
20 construction or upgrading of Automated Weather Observation  
21 Systems may be made by the Department of Transportation from  
22 appropriations for those purposes for any fiscal year, without  
23 regard to the fact that the qualification or obligation may  
24 have occurred in a prior fiscal year, provided that at the time  
25 the expenditure was made the project had been approved by the  
26 Department of Transportation prior to June 1, 2012 and, as a

1 result of recent changes in federal funding formulas, can no  
2 longer receive federal reimbursement.

3 (b-9) Medical payments not exceeding \$150,000,000 may be  
4 made by the Department on Aging from its appropriations  
5 relating to the Community Care Program for fiscal year 2014,  
6 without regard to the fact that the medical services being  
7 compensated for by such payment may have been rendered in a  
8 prior fiscal year, provided the payments are made on a  
9 fee-for-service basis consistent with requirements established  
10 for Medicaid reimbursement by the Department of Healthcare and  
11 Family Services, except as required by subsection (j) of this  
12 Section.

13 (b-10) Notwithstanding any provision of law to the contrary  
14 and to the extent permitted by federal law, for fiscal year  
15 2016 and each fiscal year thereafter, outstanding liabilities  
16 as of June 30, payable from appropriations which have otherwise  
17 expired, may be paid out of the expiring appropriations only  
18 during the 2-month period ending at the close of business on  
19 August 31, except that claims that have been incurred for which  
20 a proper bill or invoice as defined by the State Prompt Payment  
21 Act has not been received by August 31 may be paid out of the  
22 expiring appropriations only during the period ending at the  
23 close of business on October 15. Any service involving  
24 professional or artistic skills or any personal services by an  
25 employee whose compensation is subject to income tax  
26 withholding must be performed as of June 30 of the fiscal year

1 in order to be considered an "outstanding liability as of June  
2 30" that is thereby eligible for payment out of the expiring  
3 appropriation.

4 (c) Further, payments may be made by the Department of  
5 Public Health and the Department of Human Services (acting as  
6 successor to the Department of Public Health under the  
7 Department of Human Services Act) from their respective  
8 appropriations for grants for medical care to or on behalf of  
9 premature and high-mortality risk infants and their mothers and  
10 for grants for supplemental food supplies provided under the  
11 United States Department of Agriculture Women, Infants and  
12 Children Nutrition Program, for any fiscal year without regard  
13 to the fact that the services being compensated for by such  
14 payment may have been rendered in a prior fiscal year, except  
15 as required by subsection (j) of this Section. Beginning on  
16 June 30, 2021, payments made by the Department of Public Health  
17 and the Department of Human Services from their respective  
18 appropriations for grants for medical care to or on behalf of  
19 premature and high-mortality risk infants and their mothers and  
20 for grants for supplemental food supplies provided under the  
21 United States Department of Agriculture Women, Infants and  
22 Children Nutrition Program payable from appropriations that  
23 have otherwise expired may be paid out of the expiring  
24 appropriations during the 4-month period ending at the close of  
25 business on October 31.

26 (d) The Department of Public Health and the Department of



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

12 (e) The Department of Healthcare and Family Services, the  
13 Department of Human Services (acting as successor to the  
14 Department of Public Aid), and the Department of Human Services  
15 making fee-for-service payments relating to substance abuse  
16 treatment services provided during a previous fiscal year shall  
17 each annually submit to the State Comptroller, Senate  
18 President, Senate Minority Leader, Speaker of the House, House  
19 Minority Leader, the respective Chairmen and Minority  
20 Spokesmen of the Appropriations Committees of the Senate and  
21 the House, on or before November 30, a report that shall  
22 document by program or service category those expenditures from  
23 the most recently completed fiscal year used to pay for (i)  
24 services provided in prior fiscal years and (ii) services for  
25 which claims were received in prior fiscal years.

26 (f) The Department of Human Services (as successor to the

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

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

15 (1) Explanations of the exact causes of the variance  
16 between the previous year's estimated and actual  
17 liabilities.

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

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

25 (h) As provided in Section 4 of the General Assembly  
26 Compensation Act, any utility bill for service provided to a

1 General Assembly member's district office for a period  
2 including portions of 2 consecutive fiscal years may be paid  
3 from funds appropriated for such expenditure in either fiscal  
4 year.

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

7 (1) billing user agencies in advance for payments or  
8 authorized inter-fund transfers based on estimated charges  
9 for goods or services;

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

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

21 User agencies are authorized to reimburse internal service  
22 funds for catch-up billings by vouchers drawn against their  
23 respective appropriations for the fiscal year in which the  
24 catch-up billing was issued or by increasing an authorized  
25 inter-fund transfer during the current fiscal year. For the  
26 purposes of this Act, "inter-fund transfers" means transfers

1 without the use of the voucher-warrant process, as authorized  
2 by Section 9.01 of the State Comptroller Act.

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

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

20 (1) \$6,000,000,000 for outstanding liabilities related  
21 to fiscal year 2012;

22 (2) \$5,300,000,000 for outstanding liabilities related  
23 to fiscal year 2013;

24 (3) \$4,600,000,000 for outstanding liabilities related  
25 to fiscal year 2014;

26 (4) \$4,000,000,000 for outstanding liabilities related

1 to fiscal year 2015;

2 (5) \$3,300,000,000 for outstanding liabilities related  
3 to fiscal year 2016;

4 (6) \$2,600,000,000 for outstanding liabilities related  
5 to fiscal year 2017;

6 (7) \$2,000,000,000 for outstanding liabilities related  
7 to fiscal year 2018;

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

10 (9) \$600,000,000 for outstanding liabilities related  
11 to fiscal year 2020; and

12 (10) \$0 for outstanding liabilities related to fiscal  
13 year 2021 and fiscal years thereafter.

14 (k) Department of Healthcare and Family Services Medical  
15 Assistance Payments.

16 (1) Definition of Medical Assistance.

17 For purposes of this subsection, the term "Medical  
18 Assistance" shall include, but not necessarily be  
19 limited to, medical programs and services authorized  
20 under Titles XIX and XXI of the Social Security Act,  
21 the Illinois Public Aid Code, the Children's Health  
22 Insurance Program Act, the Covering ALL KIDS Health  
23 Insurance Act, the Long Term Acute Care Hospital  
24 Quality Improvement Transfer Program Act, and medical  
25 care to or on behalf of persons suffering from chronic  
26 renal disease, persons suffering from hemophilia, and

1 victims of sexual assault.

2 (2) Limitations on Medical Assistance payments that  
3 may be paid from future fiscal year appropriations.

4 (A) The maximum amounts of annual unpaid Medical  
5 Assistance bills received and recorded by the  
6 Department of Healthcare and Family Services on or  
7 before June 30th of a particular fiscal year  
8 attributable in aggregate to the General Revenue Fund,  
9 Healthcare Provider Relief Fund, Tobacco Settlement  
10 Recovery Fund, Long-Term Care Provider Fund, and the  
11 Drug Rebate Fund that may be paid in total by the  
12 Department from future fiscal year Medical Assistance  
13 appropriations to those funds are: \$700,000,000 for  
14 fiscal year 2013 and \$100,000,000 for fiscal year 2014  
15 and each fiscal year thereafter.

16 (B) Bills for Medical Assistance services rendered  
17 in a particular fiscal year, but received and recorded  
18 by the Department of Healthcare and Family Services  
19 after June 30th of that fiscal year, may be paid from  
20 either appropriations for that fiscal year or future  
21 fiscal year appropriations for Medical Assistance.  
22 Such payments shall not be subject to the requirements  
23 of subparagraph (A).

24 (C) Medical Assistance bills received by the  
25 Department of Healthcare and Family Services in a  
26 particular fiscal year, but subject to payment amount

1 adjustments in a future fiscal year may be paid from a  
2 future fiscal year's appropriation for Medical  
3 Assistance. Such payments shall not be subject to the  
4 requirements of subparagraph (A).

5 (D) Medical Assistance payments made by the  
6 Department of Healthcare and Family Services from  
7 funds other than those specifically referenced in  
8 subparagraph (A) may be made from appropriations for  
9 those purposes for any fiscal year without regard to  
10 the fact that the Medical Assistance services being  
11 compensated for by such payment may have been rendered  
12 in a prior fiscal year. Such payments shall not be  
13 subject to the requirements of subparagraph (A).

14 (3) Extended lapse period for Department of Healthcare  
15 and Family Services Medical Assistance payments.  
16 Notwithstanding any other State law to the contrary,  
17 outstanding Department of Healthcare and Family Services  
18 Medical Assistance liabilities, as of June 30th, payable  
19 from appropriations which have otherwise expired, may be  
20 paid out of the expiring appropriations during the 6-month  
21 period ending at the close of business on December 31st.

22 (1) The changes to this Section made by Public Act 97-691  
23 shall be effective for payment of Medical Assistance bills  
24 incurred in fiscal year 2013 and future fiscal years. The  
25 changes to this Section made by Public Act 97-691 shall not be  
26 applied to Medical Assistance bills incurred in fiscal year

1 2012 or prior fiscal years.

2 (m) The Comptroller must issue payments against  
3 outstanding liabilities that were received prior to the lapse  
4 period deadlines set forth in this Section as soon thereafter  
5 as practical, but no payment may be issued after the 4 months  
6 following the lapse period deadline without the signed  
7 authorization of the Comptroller and the Governor.

8 (Source: P.A. 97-75, eff. 6-30-11; 97-333, eff. 8-12-11;  
9 97-691, eff. 7-1-12; 97-732, eff. 6-30-12; 97-932, eff.  
10 8-10-12; 98-8, eff. 5-3-13; 98-24, eff. 6-19-13; 98-215, eff.  
11 8-9-13; 98-463, eff. 8-16-13; revised 9-9-13.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law."