



Sen. William E. Brady

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LRB099 05380 HEP 49330 a

1 AMENDMENT TO SENATE BILL 1051

2 AMENDMENT NO. _____. Amend Senate Bill 1051 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 changing Section 11-13 as follows:

6 (305 ILCS 5/11-13) (from Ch. 23, par. 11-13)

7 Sec. 11-13. Conditions For Receipt of Vendor Payments -
8 Limitation Period For Vendor Action - Penalty For Violation. A
9 vendor payment, as defined in Section 2-5 of Article II, shall
10 constitute payment in full for the goods or services covered
11 thereby. Acceptance of the payment by or in behalf of the
12 vendor shall bar him from obtaining, or attempting to obtain,
13 additional payment therefor from the recipient or any other
14 person. A vendor payment shall not, however, bar recovery of
15 the value of goods and services the obligation for which, under
16 the rules and regulations of the Illinois Department, is to be

1 met from the income and resources available to the recipient,
2 and in respect to which the vendor payment of the Illinois
3 Department or the local governmental unit represents
4 supplementation of such available income and resources.

5 Vendors seeking to enforce obligations of a governmental
6 unit or the Illinois Department for goods or services (1)
7 furnished to or in behalf of recipients and (2) subject to a
8 vendor payment as defined in Section 2-5, shall commence their
9 actions in the appropriate Circuit Court or the Court of
10 Claims, as the case may require, within 5 years ~~one year~~ next
11 after the cause of action accrued.

12 A cause of action accrues within the meaning of this
13 Section upon the following date:

14 (1) If the vendor can prove that he submitted a bill
15 for the service rendered to the Illinois Department or a
16 governmental unit within 180 days after the date the
17 service was rendered, then (a) upon the date the Illinois
18 Department or a governmental unit mails to the vendor
19 information that it is paying a bill in part or is refusing
20 to pay a bill in whole or in part, or (b) upon the date one
21 year following the date the vendor submitted such bill if
22 the Illinois Department or a governmental unit fails to
23 mail to the vendor such payment information within one year
24 following the date the vendor submitted the bill; or

25 (2) If the vendor cannot prove that he submitted a bill
26 for the service rendered within 180 days after the date the

1 service was rendered, then upon the date 12 months
2 following the date the vendor rendered the service to the
3 recipient.

4 In the case of long term care facilities, where the
5 Illinois Department initiates the monthly billing process for
6 the vendor, the cause of action shall accrue 12 months after
7 the last day of the month the service was rendered.

8 This paragraph governs only vendor payments as defined in
9 this Code and as limited by regulations of the Illinois
10 Department; it does not apply to goods or services purchased or
11 contracted for by a recipient under circumstances in which the
12 payment is to be made directly by the recipient.

13 Any vendor who accepts a vendor payment and who knowingly
14 obtains or attempts to obtain additional payment for the goods
15 or services covered by the vendor payment from the recipient or
16 any other person shall be guilty of a Class B misdemeanor.

17 (Source: P.A. 97-689, eff. 6-14-12.)

18 Section 10. The Court of Claims Act is amended by changing
19 Section 22 as follows:

20 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

21 Sec. 22. Every claim cognizable by the Court and not
22 otherwise sooner barred by law shall be forever barred from
23 prosecution therein unless it is filed with the Clerk of the
24 Court within the time set forth as follows:

1 (a) All claims arising out of a contract must be filed
2 within 5 years after it first accrues, saving to minors, and
3 persons under legal disability at the time the claim accrues,
4 in which cases the claim must be filed within 5 years from the
5 time the disability ceases.

6 (b) All claims cognizable against the State by vendors of
7 goods or services under "The Illinois Public Aid Code",
8 approved April 11, 1967, as amended, must file within 5 years
9 ~~one year~~ after the accrual of the cause of action, as provided
10 in Section 11-13 of that Code.

11 (c) All claims arising under paragraph (c) of Section 8 of
12 this Act must be automatically heard by the court within 120
13 days after the person asserting such claim is either issued a
14 certificate of innocence from the Circuit Court as provided in
15 Section 2-702 of the Code of Civil Procedure, or is granted a
16 pardon by the Governor, whichever occurs later, without the
17 person asserting the claim being required to file a petition
18 under Section 11 of this Act, except as otherwise provided by
19 the Crime Victims Compensation Act. Any claims filed by the
20 claimant under paragraph (c) of Section 8 of this Act must be
21 filed within 2 years after the person asserting such claim is
22 either issued a certificate of innocence as provided in Section
23 2-702 of the Code of Civil Procedure, or is granted a pardon by
24 the Governor, whichever occurs later.

25 (d) All claims arising under paragraph (f) of Section 8 of
26 this Act must be filed within the time set forth in Section 3

1 of the Line of Duty Compensation Act.

2 (e) All claims arising under paragraph (h) of Section 8 of
3 this Act must be filed within one year of the date of the death
4 of the guardsman or militiaman as provided in Section 3 of the
5 "Illinois National Guardsman's and Naval Militiaman's
6 Compensation Act", approved August 12, 1971, as amended.

7 (f) All claims arising under paragraph (g) of Section 8 of
8 this Act must be filed within one year of the crime on which a
9 claim is based as provided in Section 6.1 of the "Crime Victims
10 Compensation Act", approved August 23, 1973, as amended.

11 (g) All claims arising from the Comptroller's refusal to
12 issue a replacement warrant pursuant to Section 10.10 of the
13 State Comptroller Act must be filed within 5 years after the
14 issue date of such warrant.

15 (h) All other claims must be filed within 2 years after it
16 first accrues, saving to minors, and persons under legal
17 disability at the time the claim accrues, in which case the
18 claim must be filed within 2 years from the time the disability
19 ceases.

20 (i) The changes made by this amendatory Act of 1989 shall
21 apply to all warrants issued within the 5 year period preceding
22 the effective date of this amendatory Act of 1989.

23 (j) All time limitations established under this Act and the
24 rules promulgated under this Act shall be binding and
25 jurisdictional, except upon extension authorized by law or rule
26 and granted pursuant to a motion timely filed.

1 (Source: P.A. 95-928, eff. 8-26-08; 95-970, eff. 9-22-08;
2 96-328, eff. 8-11-09.)".