



Sen. William E. Brady

Filed: 5/25/2016

09900SB1051sam001

LRB099 05380 HEP 49174 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 5
21 years ~~one year~~ following the date the vendor submitted such
22 bill if the Illinois Department or a governmental unit
23 fails to mail to the vendor such payment information within
24 5 years ~~one year~~ following the date the vendor submitted
25 the bill; or

26 (2) If the vendor cannot prove that he submitted a bill

1 for the service rendered within 180 days after the date the
2 service was rendered, then upon the date 60 ~~12~~ months
3 following the date the vendor rendered the service to the
4 recipient.

5 In the case of long term care facilities, where the
6 Illinois Department initiates the monthly billing process for
7 the vendor, the cause of action shall accrue 60 ~~12~~ months after
8 the last day of the month the service was rendered.

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

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

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

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

21 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

22 Sec. 22. Every claim cognizable by the Court and not
23 otherwise sooner barred by law shall be forever barred from
24 prosecution therein unless it is filed with the Clerk of the

1 Court within the time set forth as follows:

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

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

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

26 (d) All claims arising under paragraph (f) of Section 8 of

1 this Act must be filed within the time set forth in Section 3
2 of the Line of Duty Compensation Act.

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

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

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

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

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

24 (j) All time limitations established under this Act and the
25 rules promulgated under this Act shall be binding and
26 jurisdictional, except upon extension authorized by law or rule

1 and granted pursuant to a motion timely filed.

2 (Source: P.A. 95-928, eff. 8-26-08; 95-970, eff. 9-22-08;

3 96-328, eff. 8-11-09.)".