

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 3. The Regulatory Sunset Act is amended by  
5 changing Sections 4.32 and 4.34 as follows:

6 (5 ILCS 80/4.32)

7 Sec. 4.32. Acts repealed on January 1, 2022. The following  
8 Acts are repealed on January 1, 2022:

9 The Boxing and Full-contact Martial Arts Act.

10 The Cemetery Oversight Act.

11 The Collateral Recovery Act.

12 The Community Association Manager Licensing and  
13 Disciplinary Act.

14 ~~The Crematory Regulation Act.~~

15 The Detection of Deception Examiners Act.

16 The Home Inspector License Act.

17 The Illinois Health Information Exchange and Technology  
18 Act.

19 The Medical Practice Act of 1987.

20 The Registered Interior Designers Act.

21 The Massage Licensing Act.

22 The Petroleum Equipment Contractors Licensing Act.

23 The Radiation Protection Act of 1990.

1 The Real Estate Appraiser Licensing Act of 2002.

2 The Water Well and Pump Installation Contractor's License  
3 Act.

4 (Source: P.A. 100-920, eff. 8-17-18; 101-316, eff. 8-9-19;  
5 101-614, eff. 12-20-19; 101-639, eff. 6-12-20.)

6 (5 ILCS 80/4.34)

7 Sec. 4.34. Acts and Section repealed on January 1, 2024.

8 The following Acts and Section of an Act are repealed on  
9 January 1, 2024:

10 The Crematory Regulation Act.

11 The Electrologist Licensing Act.

12 The Illinois Certified Shorthand Reporters Act of  
13 1984.

14 The Illinois Occupational Therapy Practice Act.

15 The Illinois Public Accounting Act.

16 The Private Detective, Private Alarm, Private  
17 Security, Fingerprint Vendor, and Locksmith Act of 2004.

18 The Registered Surgical Assistant and Registered  
19 Surgical Technologist Title Protection Act.

20 Section 2.5 of the Illinois Plumbing License Law.

21 The Veterinary Medicine and Surgery Practice Act of  
22 2004.

23 (Source: P.A. 98-140, eff. 12-31-13; 98-253, eff. 8-9-13;  
24 98-254, eff. 8-9-13; 98-264, eff. 12-31-13; 98-339, eff.  
25 12-31-13; 98-363, eff. 8-16-13; 98-364, eff. 12-31-13; 98-445,

1 eff. 12-31-13; 98-756, eff. 7-16-14.)

2 Section 5. The Voluntary Payroll Deductions Act of 1983 is  
3 amended by changing Sections 3, 5, and 7 as follows:

4 (5 ILCS 340/3) (from Ch. 15, par. 503)

5 Sec. 3. Definitions. As used in this Act unless the  
6 context otherwise requires:

7 (a) "Employee" means any regular officer or employee who  
8 receives salary or wages for personal services rendered to the  
9 State of Illinois, and includes an individual hired as an  
10 employee by contract with that individual.

11 (b) "Qualified organization" means an organization  
12 representing one or more benefiting agencies, which  
13 organization is designated by the State Comptroller as  
14 qualified to receive payroll deductions under this Act. An  
15 organization desiring to be designated as a qualified  
16 organization shall:

17 (1) Submit written or electronic designations on forms  
18 approved by the State Comptroller by 500 or more employees  
19 or State annuitants, in which such employees or State  
20 annuitants indicate that the organization is one for which  
21 the employee or State annuitant intends to authorize  
22 withholding. The forms shall require the name, last 4  
23 digits only of the social security number, and employing  
24 State agency for each employee. Upon notification by the

1 Comptroller that such forms have been approved, the  
2 organization shall, within 30 days, notify in writing the  
3 Comptroller ~~Governor~~ or his or her designee of its  
4 intention to obtain the required number of designations.  
5 Such organization shall have 12 months from that date to  
6 obtain the necessary designations and return to the State  
7 Comptroller's office the completed designations, which  
8 shall be subject to verification procedures established by  
9 the State Comptroller;

10 (2) Certify that all benefiting agencies are tax  
11 exempt under Section 501(c)(3) of the Internal Revenue  
12 Code;

13 (3) Certify that all benefiting agencies are in  
14 compliance with the Illinois Human Rights Act;

15 (4) Certify that all benefiting agencies are in  
16 compliance with the Charitable Trust Act and the  
17 Solicitation for Charity Act;

18 (5) Certify that all benefiting agencies actively  
19 conduct health or welfare programs and provide services to  
20 individuals directed at one or more of the following  
21 common human needs within a community: service, research,  
22 and education in the health fields; family and child care  
23 services; protective services for children and adults;  
24 services for children and adults in foster care; services  
25 related to the management and maintenance of the home; day  
26 care services for adults; transportation services;

1 information, referral and counseling services; services to  
2 eliminate illiteracy; the preparation and delivery of  
3 meals; adoption services; emergency shelter care and  
4 relief services; disaster relief services; safety  
5 services; neighborhood and community organization  
6 services; recreation services; social adjustment and  
7 rehabilitation services; health support services; or a  
8 combination of such services designed to meet the special  
9 needs of specific groups, such as children and youth, the  
10 ill and infirm, and persons with physical disabilities;  
11 and that all such benefiting agencies provide the above  
12 described services to individuals and their families in  
13 the community and surrounding area in which the  
14 organization conducts its fund drive, or that such  
15 benefiting agencies provide relief to victims of natural  
16 disasters and other emergencies on a where and as needed  
17 basis;

18 (6) Certify that the organization has disclosed the  
19 percentage of the organization's total collected receipts  
20 from employees or State annuitants that are distributed to  
21 the benefiting agencies and the percentage of the  
22 organization's total collected receipts from employees or  
23 State annuitants that are expended for fund-raising and  
24 overhead costs. These percentages shall be the same  
25 percentage figures annually disclosed by the organization  
26 to the Attorney General. The disclosure shall be made to

1 all solicited employees and State annuitants and shall be  
2 in the form of a factual statement on all petitions and in  
3 the campaign's brochures for employees and State  
4 annuitants;

5 (7) Certify that all benefiting agencies receiving  
6 funds which the employee or State annuitant has requested  
7 or designated for distribution to a particular community  
8 and surrounding area use a majority of such funds  
9 distributed for services in the actual provision of  
10 services in that community and surrounding area;

11 (8) Certify that neither it nor its member  
12 organizations will solicit State employees for  
13 contributions at their workplace, except pursuant to this  
14 Act and the rules promulgated thereunder. Each qualified  
15 organization, and each participating United Fund, is  
16 encouraged to cooperate with all others and with all State  
17 agencies and educational institutions so as to simplify  
18 procedures, to resolve differences and to minimize costs;

19 (9) Certify that it will pay its share of the campaign  
20 costs and will comply with the Code of Campaign Conduct as  
21 approved by the Comptroller ~~Governor~~ or other agency as  
22 designated by the Comptroller ~~Governor~~; and

23 (10) Certify that it maintains a year-round office,  
24 the telephone number, and person responsible for the  
25 operations of the organization in Illinois. That  
26 information shall be provided to the State Comptroller at

1           the time the organization is seeking participation under  
2           this Act.

3           Each qualified organization shall submit to the State  
4           Comptroller between January 1 and March 1 of each year, a  
5           statement that the organization is in compliance with all of  
6           the requirements set forth in paragraphs (2) through (10). The  
7           State Comptroller shall exclude any organization that fails to  
8           submit the statement from the next solicitation period.

9           In order to be designated as a qualified organization, the  
10          organization shall have existed at least 2 years prior to  
11          submitting the written or electronic designation forms  
12          required in paragraph (1) and shall certify to the State  
13          Comptroller that such organization has been providing services  
14          described in paragraph (5) in Illinois. If the organization  
15          seeking designation represents more than one benefiting  
16          agency, it need not have existed for 2 years but shall certify  
17          to the State Comptroller that each of its benefiting agencies  
18          has existed for at least 2 years prior to submitting the  
19          written or electronic designation forms required in paragraph  
20          (1) and that each has been providing services described in  
21          paragraph (5) in Illinois.

22          Organizations which have met the requirements of this Act  
23          shall be permitted to participate in the State and  
24          Universities Combined Appeal as of January 1st of the year  
25          immediately following their approval by the Comptroller.

26          Where the certifications described in paragraphs (2), (3),

1 (4), (5), (6), (7), (8), (9), and (10) above are made by an  
2 organization representing more than one benefiting agency they  
3 shall be based upon the knowledge and belief of such qualified  
4 organization. Any qualified organization shall immediately  
5 notify the State Comptroller in writing if the qualified  
6 organization receives information or otherwise believes that a  
7 benefiting agency is no longer in compliance with the  
8 certification of the qualified organization. A qualified  
9 organization representing more than one benefiting agency  
10 shall thereafter withhold and refrain from distributing to  
11 such benefiting agency those funds received pursuant to this  
12 Act until the benefiting agency is again in compliance with  
13 the qualified organization's certification. The qualified  
14 organization shall immediately notify the State Comptroller of  
15 the benefiting agency's resumed compliance with the  
16 certification, based upon the qualified organization's  
17 knowledge and belief, and shall pay over to the benefiting  
18 agency those funds previously withheld.

19 In order to qualify, a qualified organization must receive  
20 250 deduction pledges from the immediately preceding  
21 solicitation period as set forth in Section 6. The Comptroller  
22 shall, by February 1st of each year, so notify any qualified  
23 organization that failed to receive the minimum deduction  
24 requirement. The notification shall give such qualified  
25 organization until March 1st to provide the Comptroller with  
26 documentation that the minimum deduction requirement has been



1 met. On the basis of all the documentation, the Comptroller  
2 shall, by March 15th of each year, make publicly available  
3 ~~submit to the Governor or his or her designee, or such other~~  
4 ~~agency as may be determined by the Governor,~~ a list of all  
5 organizations which have met the minimum payroll deduction  
6 requirement. Only those organizations which have met such  
7 requirements, as well as the other requirements of this  
8 Section, shall be permitted to solicit State employees or  
9 State annuitants for voluntary contributions, and the  
10 Comptroller shall discontinue withholding for any such  
11 organization which fails to meet these requirements, except  
12 qualified organizations that received deduction pledges during  
13 the 2004 solicitation period are deemed to be qualified for  
14 the 2005 solicitation period.

15 (c) "United Fund" means the organization conducting the  
16 single, annual, consolidated effort to secure funds for  
17 distribution to agencies engaged in charitable and public  
18 health, welfare and services purposes, which is commonly known  
19 as the United Fund, or the organization which serves in place  
20 of the United Fund organization in communities where an  
21 organization known as the United Fund is not organized.

22 In order for a United Fund to participate in the State and  
23 Universities Employees Combined Appeal, it shall comply with  
24 the provisions of paragraph (9) of subsection (b).

25 (d) "State and Universities Employees Combined Appeal",  
26 otherwise known as "SECA", means the State-directed joint

1 effort of all of the qualified organizations, together with  
2 the United Funds, for the solicitation of voluntary  
3 contributions from State and University employees and State  
4 annuitants.

5 (e) "Retirement system" means any or all of the following:  
6 the General Assembly Retirement System, the State Employees'  
7 Retirement System of Illinois, the State Universities  
8 Retirement System, the Teachers' Retirement System of the  
9 State of Illinois, and the Judges Retirement System.

10 (f) "State annuitant" means a person receiving an annuity  
11 or disability benefit under Article 2, 14, 15, 16, or 18 of the  
12 Illinois Pension Code.

13 (Source: P.A. 99-143, eff. 7-27-15.)

14 (5 ILCS 340/5) (from Ch. 15, par. 505)

15 Sec. 5. Rules; Advisory Committee. The State Comptroller  
16 shall promulgate and issue reasonable rules and regulations as  
17 deemed necessary for the administration of this Act.

18 All ~~However, all~~ solicitations of State employees for  
19 contributions at their workplace and all solicitations of  
20 State annuitants for contributions shall be in accordance with  
21 rules promulgated by the Comptroller ~~Governor~~ or his or her  
22 designee or other agency as may be designated by the  
23 Comptroller ~~Governor~~. All solicitations of State annuitants  
24 for contributions shall also be in accordance with the rules  
25 promulgated by the applicable retirement system.

1           The rules promulgated by the Comptroller ~~Governor~~ or his  
2 or her designee or other agency as designated by the  
3 Comptroller ~~Governor~~ shall include a Code of Campaign Conduct  
4 that all qualified organizations and United Funds shall  
5 subscribe to in writing, sanctions for violations of the Code  
6 of Campaign Conduct, provision for the handling of cash  
7 contributions, provision for an Advisory Committee, provisions  
8 for the allocation of expenses among the participating  
9 organizations, an organizational plan and structure whereby  
10 responsibilities are set forth for the appropriate State  
11 employees or State annuitants and the participating  
12 organizations, and any other matters that are necessary to  
13 accomplish the purposes of this Act.

14           The Comptroller ~~Governor~~ or the Comptroller's ~~Governor's~~  
15 designee shall promulgate rules to establish the composition  
16 and the duties of the Advisory Committee. The Comptroller  
17 ~~Governor~~ or the Comptroller's ~~Governor's~~ designee shall make  
18 appointments to the Advisory Committee. The powers of the  
19 Advisory Committee shall include, at a minimum, the ability to  
20 impose the sanctions authorized by rule. Each State agency and  
21 each retirement system shall file an annual report that sets  
22 forth, for the prior calendar year, (i) the total amount of  
23 money contributed to each qualified organization and united  
24 fund through both payroll deductions and cash contributions,  
25 (ii) the number of employees or State annuitants who have  
26 contributed to each qualified organization and united fund,

1 and (iii) any other information required by the rules. The  
2 report shall not include the names of any contributing or  
3 non-contributing employees or State annuitants. The report  
4 shall be filed with the Advisory Committee no later than March  
5 15. The report shall be available for inspection.

6 Other constitutional officers, retirement systems, the  
7 University of Illinois, Southern Illinois University, Chicago  
8 State University, Eastern Illinois University, Governors State  
9 University, Illinois State University, Northeastern Illinois  
10 University, Northern Illinois University, and Western Illinois  
11 University shall be governed by the rules promulgated pursuant  
12 to this Section, unless such entities adopt their own rules  
13 governing solicitation of contributions at the workplace.

14 All rules promulgated pursuant to this Section shall not  
15 discriminate against one or more qualified organizations or  
16 United Funds.

17 (Source: P.A. 90-799, eff. 6-1-99; 91-896, eff. 7-6-00.)

18 (5 ILCS 340/7) (from Ch. 15, par. 507)

19 Sec. 7. Notwithstanding any other provision of this Act, a  
20 participating organization or a United Fund may be denied  
21 participation in SECA for willful failure to comply with the  
22 provisions of paragraph (9) of subsection (b) of Section 3 of  
23 this Act. The agency designated by the Comptroller ~~Governor~~  
24 under paragraph (9) of subsection (b) of Section 3 of this Act  
25 shall adopt rules providing for procedures for review by the

1 agency of alleged violations of that paragraph and appropriate  
2 remedial sanctions for noncompliance. The rules shall include  
3 an appeal procedure for any affected participating  
4 organization or United Fund. The agency designated by the  
5 Comptroller ~~Governor~~ shall notify the Comptroller immediately  
6 of any final decision to remove a qualified organization or  
7 United Fund from participation in SECA.

8 (Source: P.A. 91-357, eff. 7-29-99.)

9 Section 10. The State Comptroller Act is amended by  
10 changing Sections 17 and 19.5 and by adding Section 28 as  
11 follows:

12 (15 ILCS 405/17) (from Ch. 15, par. 217)

13 Sec. 17. Inventory control records. The comptroller shall  
14 maintain current inventory records of property held by or on  
15 behalf of the State or any State agency, which may be copies of  
16 the official inventory control records maintained by State  
17 agencies or summaries thereof. The Office of the Comptroller  
18 shall define reporting requirements and thresholds to be used  
19 by State agencies in the Comptroller's Statewide Accounting  
20 Management System (SAMS) manual. The Department of Central  
21 Management Services and each other State agency so holding  
22 such property shall report to the comptroller, on forms  
23 prescribed by the comptroller, all property acquired or  
24 disposed of by that agency, in such detail and at such times as

1 the comptroller requires, by rule, to maintain accurate,  
2 current inventory records. ~~The Department of Central~~  
3 ~~Management Services shall transmit to the comptroller a~~  
4 ~~certified copy of all reports it may issue concerning State~~  
5 ~~property, including its annual report.~~

6 (Source: P.A. 98-904, eff. 8-15-14.)

7 (15 ILCS 405/19.5)

8 Sec. 19.5. Comprehensive Annual Financial Report ~~(CAFR)~~;  
9 procedures and reporting.

10 (a) On or before October 31, 2012, and on or before each  
11 October 31 thereafter, State agencies shall report to the  
12 Comptroller all financial information deemed necessary by the  
13 Comptroller to compile and publish a comprehensive annual  
14 financial report using generally accepted accounting  
15 principles for the fiscal year ending June 30 of that year. The  
16 Comptroller may require certain State agencies to submit the  
17 required information before October 31 under a schedule  
18 established by the Comptroller. If a State agency has  
19 submitted no or insufficient financial information by October  
20 31, the Comptroller shall serve a written notice to each  
21 respective State agency director or secretary about the  
22 delinquency or inadequacy of the financial information.

23 (b) If the financial information required in subsection  
24 (a) is submitted to the Comptroller on or before October 31,  
25 the lapse period is not extended past August 31 for the given

1 fiscal year, and the Office of the Auditor General has  
2 completed an audit of the comprehensive annual financial  
3 report, then the Comptroller shall publish a comprehensive  
4 annual financial report using generally accepted accounting  
5 principles for the fiscal year ending June 30 of that year by  
6 December 31. If the information as required by subsection (a)  
7 is not provided to the Comptroller in time to publish the  
8 report by December 31, then upon notice from the Comptroller  
9 of the delay, each respective State agency director or  
10 secretary shall report his or her State agency's delinquency  
11 and provide an action plan to bring his or her State agency  
12 into compliance to the Comptroller, the Auditor General, the  
13 Office of the Governor, the Speaker and Minority Leader of the  
14 House of Representatives, and the President and Minority  
15 Leader of the Senate. Upon receiving that report from a State  
16 agency director or secretary, the Comptroller shall post that  
17 report with the action plan on his or her official website.

18 (c) If a comprehensive annual financial report using  
19 generally accepted accounting principles cannot be published  
20 by December 31 due to insufficient or inadequate reporting to  
21 the Comptroller, the lapse period is extended past August 31  
22 for the given fiscal year, or the Office of the Auditor General  
23 has not completed an audit of the comprehensive annual  
24 financial report, then the Comptroller may issue interim  
25 reports containing financial information made available by  
26 reporting State agencies until an audit opinion is issued by

1 the Auditor General on the comprehensive annual financial  
2 report.

3 (Source: P.A. 97-408, eff. 8-16-11; 98-240, eff. 8-9-13.)

4 (15 ILCS 405/28 new)

5 Sec. 28. Comptroller recess appointments. If, during a  
6 recess of the Senate, there is a vacancy in an office filled by  
7 appointment by the Comptroller by and with the advice and  
8 consent of the Senate, the Comptroller shall make a temporary  
9 appointment until the next meeting of the Senate, when he or  
10 she shall make a nomination to fill such office. Any  
11 nomination not acted upon by the Senate within 60 session days  
12 after the receipt thereof shall be deemed to have received the  
13 advice and consent of the Senate. No person rejected by the  
14 Senate for an office shall, except at the Senate's request, be  
15 nominated again for that office at the same session or be  
16 appointed to that office during a recess of that Senate.

17 Section 15. The Personnel Code is amended by changing  
18 Section 4c as follows:

19 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

20 Sec. 4c. General exemptions. The following positions in  
21 State service shall be exempt from jurisdictions A, B, and C,  
22 unless the jurisdictions shall be extended as provided in this  
23 Act:



1 (1) All officers elected by the people.

2 (2) All positions under the Lieutenant Governor,  
3 Secretary of State, State Treasurer, State Comptroller,  
4 State Board of Education, Clerk of the Supreme Court,  
5 Attorney General, and State Board of Elections.

6 (3) Judges, and officers and employees of the courts,  
7 and notaries public.

8 (4) All officers and employees of the Illinois General  
9 Assembly, all employees of legislative commissions, all  
10 officers and employees of the Illinois Legislative  
11 Reference Bureau and the Legislative Printing Unit.

12 (5) All positions in the Illinois National Guard and  
13 Illinois State Guard, paid from federal funds or positions  
14 in the State Military Service filled by enlistment and  
15 paid from State funds.

16 (6) All employees of the Governor at the executive  
17 mansion and on his immediate personal staff.

18 (7) Directors of Departments, the Adjutant General,  
19 the Assistant Adjutant General, the Director of the  
20 Illinois Emergency Management Agency, members of boards  
21 and commissions, and all other positions appointed by the  
22 Governor by and with the consent of the Senate.

23 (8) The presidents, other principal administrative  
24 officers, and teaching, research and extension faculties  
25 of Chicago State University, Eastern Illinois University,  
26 Governors State University, Illinois State University,

1 Northeastern Illinois University, Northern Illinois  
2 University, Western Illinois University, the Illinois  
3 Community College Board, Southern Illinois University,  
4 Illinois Board of Higher Education, University of  
5 Illinois, State Universities Civil Service System,  
6 University Retirement System of Illinois, and the  
7 administrative officers and scientific and technical staff  
8 of the Illinois State Museum.

9 (9) All other employees except the presidents, other  
10 principal administrative officers, and teaching, research  
11 and extension faculties of the universities under the  
12 jurisdiction of the Board of Regents and the colleges and  
13 universities under the jurisdiction of the Board of  
14 Governors of State Colleges and Universities, Illinois  
15 Community College Board, Southern Illinois University,  
16 Illinois Board of Higher Education, Board of Governors of  
17 State Colleges and Universities, the Board of Regents,  
18 University of Illinois, State Universities Civil Service  
19 System, University Retirement System of Illinois, so long  
20 as these are subject to the provisions of the State  
21 Universities Civil Service Act.

22 (10) The State Police so long as they are subject to  
23 the merit provisions of the State Police Act.

24 (11) (Blank).

25 (12) The technical and engineering staffs of the  
26 Department of Transportation, the Department of Nuclear

1 Safety, the Pollution Control Board, and the Illinois  
2 Commerce Commission, and the technical and engineering  
3 staff providing architectural and engineering services in  
4 the Department of Central Management Services.

5 (13) All employees of the Illinois State Toll Highway  
6 Authority.

7 (14) The Secretary of the Illinois Workers'  
8 Compensation Commission.

9 (15) All persons who are appointed or employed by the  
10 Director of Insurance under authority of Section 202 of  
11 the Illinois Insurance Code to assist the Director of  
12 Insurance in discharging his responsibilities relating to  
13 the rehabilitation, liquidation, conservation, and  
14 dissolution of companies that are subject to the  
15 jurisdiction of the Illinois Insurance Code.

16 (16) All employees of the St. Louis Metropolitan Area  
17 Airport Authority.

18 (17) All investment officers employed by the Illinois  
19 State Board of Investment.

20 (18) Employees of the Illinois Young Adult  
21 Conservation Corps program, administered by the Illinois  
22 Department of Natural Resources, authorized grantee under  
23 Title VIII of the Comprehensive Employment and Training  
24 Act of 1973, 29 USC 993.

25 (19) Seasonal employees of the Department of  
26 Agriculture for the operation of the Illinois State Fair

1 and the DuQuoin State Fair, no one person receiving more  
2 than 29 days of such employment in any calendar year.

3 (20) All "temporary" employees hired under the  
4 Department of Natural Resources' Illinois Conservation  
5 Service, a youth employment program that hires young  
6 people to work in State parks for a period of one year or  
7 less.

8 (21) All hearing officers of the Human Rights  
9 Commission.

10 (22) All employees of the Illinois Mathematics and  
11 Science Academy.

12 (23) All employees of the Kankakee River Valley Area  
13 Airport Authority.

14 (24) The commissioners and employees of the Executive  
15 Ethics Commission.

16 (25) The Executive Inspectors General, including  
17 special Executive Inspectors General, and employees of  
18 each Office of an Executive Inspector General.

19 (26) The commissioners and employees of the  
20 Legislative Ethics Commission.

21 (27) The Legislative Inspector General, including  
22 special Legislative Inspectors General, and employees of  
23 the Office of the Legislative Inspector General.

24 (28) The Auditor General's Inspector General and  
25 employees of the Office of the Auditor General's Inspector  
26 General.

1 (29) All employees of the Illinois Power Agency.

2 (30) Employees having demonstrable, defined advanced  
3 skills in accounting, financial reporting, or technical  
4 expertise who are employed within executive branch  
5 agencies and whose duties are directly related to the  
6 submission to the Office of the Comptroller of financial  
7 information for the publication of the Comprehensive  
8 Annual Financial Report ~~(CAFR)~~.

9 (31) All employees of the Illinois Sentencing Policy  
10 Advisory Council.

11 (Source: P.A. 100-1148, eff. 12-10-18.)

12 Section 20. The State Finance Act is amended by changing  
13 Section 25 as follows:

14 (30 ILCS 105/25) (from Ch. 127, par. 161)

15 Sec. 25. Fiscal year limitations.

16 (a) All appropriations shall be available for expenditure  
17 for the fiscal year or for a lesser period if the Act making  
18 that appropriation so specifies. A deficiency or emergency  
19 appropriation shall be available for expenditure only through  
20 June 30 of the year when the Act making that appropriation is  
21 enacted unless that Act otherwise provides.

22 (b) Outstanding liabilities as of June 30, payable from  
23 appropriations which have otherwise expired, may be paid out  
24 of the expiring appropriations during the 2-month period

1 ending at the close of business on August 31. Any service  
2 involving professional or artistic skills or any personal  
3 services by an employee whose compensation is subject to  
4 income tax withholding must be performed as of June 30 of the  
5 fiscal year in order to be considered an "outstanding  
6 liability as of June 30" that is thereby eligible for payment  
7 out of the expiring appropriation.

8 (b-1) However, payment of tuition reimbursement claims  
9 under Section 14-7.03 or 18-3 of the School Code may be made by  
10 the State Board of Education from its appropriations for those  
11 respective purposes for any fiscal year, even though the  
12 claims reimbursed by the payment may be claims attributable to  
13 a prior fiscal year, and payments may be made at the direction  
14 of the State Superintendent of Education from the fund from  
15 which the appropriation is made without regard to any fiscal  
16 year limitations, except as required by subsection (j) of this  
17 Section. Beginning on June 30, 2021, payment of tuition  
18 reimbursement claims under Section 14-7.03 or 18-3 of the  
19 School Code as of June 30, payable from appropriations that  
20 have otherwise expired, may be paid out of the expiring  
21 appropriation during the 4-month period ending at the close of  
22 business on October 31.

23 (b-2) (Blank).

24 (b-2.5) (Blank).

25 (b-2.6) (Blank).

26 (b-2.6a) (Blank).

1 (b-2.6b) (Blank).

2 (b-2.6c) (Blank).

3 (b-2.6d) All outstanding liabilities as of June 30, 2020,  
4 payable from appropriations that would otherwise expire at the  
5 conclusion of the lapse period for fiscal year 2020, and  
6 interest penalties payable on those liabilities under the  
7 State Prompt Payment Act, may be paid out of the expiring  
8 appropriations until December 31, 2020, without regard to the  
9 fiscal year in which the payment is made, as long as vouchers  
10 for the liabilities are received by the Comptroller no later  
11 than September 30, 2020.

12 (b-2.7) For fiscal years 2012, 2013, 2014, 2018, 2019,  
13 2020, and 2021, interest penalties payable under the State  
14 Prompt Payment Act associated with a voucher for which payment  
15 is issued after June 30 may be paid out of the next fiscal  
16 year's appropriation. The future year appropriation must be  
17 for the same purpose and from the same fund as the original  
18 payment. An interest penalty voucher submitted against a  
19 future year appropriation must be submitted within 60 days  
20 after the issuance of the associated voucher, except that, for  
21 fiscal year 2018 only, an interest penalty voucher submitted  
22 against a future year appropriation must be submitted within  
23 60 days of June 5, 2019 (the effective date of Public Act  
24 101-10). The Comptroller must issue the interest payment  
25 within 60 days after acceptance of the interest voucher.

26 (b-3) Medical payments may be made by the Department of

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

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



1 business on October 31.

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

17 (b-6) (Blank).

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

23 (b-8) Reimbursements to eligible airport sponsors for the  
24 construction or upgrading of Automated Weather Observation  
25 Systems may be made by the Department of Transportation from  
26 appropriations for those purposes for any fiscal year, without

1 regard to the fact that the qualification or obligation may  
2 have occurred in a prior fiscal year, provided that at the time  
3 the expenditure was made the project had been approved by the  
4 Department of Transportation prior to June 1, 2012 and, as a  
5 result of recent changes in federal funding formulas, can no  
6 longer receive federal reimbursement.

7 (b-9) (Blank).

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

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

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

17 (e) The Department of Healthcare and Family Services, the  
18 Department of Human Services (acting as successor to the  
19 Department of Public Aid), and the Department of Human  
20 Services making fee-for-service payments relating to substance  
21 abuse treatment services provided during a previous fiscal  
22 year shall each annually submit to the State Comptroller,  
23 Senate President, Senate Minority Leader, Speaker of the  
24 House, House Minority Leader, the respective Chairmen and  
25 Minority Spokesmen of the Appropriations Committees of the  
26 Senate and the House, on or before November 30, a report that

1 shall document by program or service category those  
2 expenditures from the most recently completed fiscal year used  
3 to pay for (i) services provided in prior fiscal years and (ii)  
4 services for which claims were received in prior fiscal years.

5 (f) The Department of Human Services (as successor to the  
6 Department of Public Aid) shall annually submit to the State  
7 Comptroller, Senate President, Senate Minority Leader, Speaker  
8 of the House, House Minority Leader, and the respective  
9 Chairmen and Minority Spokesmen of the Appropriations  
10 Committees of the Senate and the House, on or before December  
11 31, a report of fiscal year funds used to pay for services  
12 (other than medical care) provided in any prior fiscal year.  
13 This report shall document by program or service category  
14 those expenditures from the most recently completed fiscal  
15 year used to pay for services provided in prior fiscal years.

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

20 (1) Explanations of the exact causes of the variance  
21 between the previous year's estimated and actual  
22 liabilities.

23 (2) Factors affecting the Department of Healthcare and  
24 Family Services' liabilities, including, but not limited  
25 to, numbers of aid recipients, levels of medical service  
26 utilization by aid recipients, and inflation in the cost

1 of medical services.

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

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

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

12 (1) billing user agencies in advance for payments or  
13 authorized inter-fund transfers based on estimated charges  
14 for goods or services;

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

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

26 User agencies are authorized to reimburse internal service

1 funds for catch-up billings by vouchers drawn against their  
2 respective appropriations for the fiscal year in which the  
3 catch-up billing was issued or by increasing an authorized  
4 inter-fund transfer during the current fiscal year. For the  
5 purposes of this Act, "inter-fund transfers" means transfers  
6 without the use of the voucher-warrant process, as authorized  
7 by Section 9.01 of the State Comptroller Act.

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

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

25 (1) \$6,000,000,000 for outstanding liabilities related  
26 to fiscal year 2012;

1           (2) \$5,300,000,000 for outstanding liabilities related  
2 to fiscal year 2013;

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

5           (4) \$4,000,000,000 for outstanding liabilities related  
6 to fiscal year 2015;

7           (5) \$3,300,000,000 for outstanding liabilities related  
8 to fiscal year 2016;

9           (6) \$2,600,000,000 for outstanding liabilities related  
10 to fiscal year 2017;

11           (7) \$2,000,000,000 for outstanding liabilities related  
12 to fiscal year 2018;

13           (8) \$1,300,000,000 for outstanding liabilities related  
14 to fiscal year 2019;

15           (9) \$600,000,000 for outstanding liabilities related  
16 to fiscal year 2020; and

17           (10) \$0 for outstanding liabilities related to fiscal  
18 year 2021 and fiscal years thereafter.

19           (k) Department of Healthcare and Family Services Medical  
20 Assistance Payments.

21           (1) Definition of Medical Assistance.

22           For purposes of this subsection, the term "Medical  
23 Assistance" shall include, but not necessarily be  
24 limited to, medical programs and services authorized  
25 under Titles XIX and XXI of the Social Security Act,  
26 the Illinois Public Aid Code, the Children's Health

1 Insurance Program Act, the Covering ALL KIDS Health  
2 Insurance Act, the Long Term Acute Care Hospital  
3 Quality Improvement Transfer Program Act, and medical  
4 care to or on behalf of persons suffering from chronic  
5 renal disease, persons suffering from hemophilia, and  
6 victims of sexual assault.

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

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

21 (B) Bills for Medical Assistance services rendered  
22 in a particular fiscal year, but received and recorded  
23 by the Department of Healthcare and Family Services  
24 after June 30th of that fiscal year, may be paid from  
25 either appropriations for that fiscal year or future  
26 fiscal year appropriations for Medical Assistance.



1           Such payments shall not be subject to the requirements  
2           of subparagraph (A).

3           (C) Medical Assistance bills received by the  
4           Department of Healthcare and Family Services in a  
5           particular fiscal year, but subject to payment amount  
6           adjustments in a future fiscal year may be paid from a  
7           future fiscal year's appropriation for Medical  
8           Assistance. Such payments shall not be subject to the  
9           requirements of subparagraph (A).

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

19          (3) Extended lapse period for Department of Healthcare  
20          and Family Services Medical Assistance payments.  
21          Notwithstanding any other State law to the contrary,  
22          outstanding Department of Healthcare and Family Services  
23          Medical Assistance liabilities, as of June 30th, payable  
24          from appropriations which have otherwise expired, may be  
25          paid out of the expiring appropriations during the 4-month  
26          ~~6-month~~ period ending at the close of business on October

1       ~~December~~ 31st.

2           (1) The changes to this Section made by Public Act 97-691  
3 shall be effective for payment of Medical Assistance bills  
4 incurred in fiscal year 2013 and future fiscal years. The  
5 changes to this Section made by Public Act 97-691 shall not be  
6 applied to Medical Assistance bills incurred in fiscal year  
7 2012 or prior fiscal years.

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

14       (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;  
15 101-10, eff. 6-5-19; 101-275, eff. 8-9-19; 101-636, eff.  
16 6-10-20.)

17           (30 ILCS 105/11.5 rep.)

18       Section 25. The State Finance Act is amended by repealing  
19 Section 11.5.

20       Section 30. The Illinois Procurement Code is amended by  
21 changing Section 20-80 as follows:

22           (30 ILCS 500/20-80)

23       Sec. 20-80. Contract files.

1 (a) Written determinations. All written determinations  
2 required under this Article shall be placed in the contract  
3 file maintained by the chief procurement officer.

4 (b) Filing with Comptroller. Whenever a grant, defined  
5 pursuant to accounting standards established by the  
6 Comptroller, or a contract liability, except for: (1)  
7 contracts paid from personal services, ~~or~~ (2) contracts  
8 between the State and its employees to defer compensation in  
9 accordance with Article 24 of the Illinois Pension Code, or  
10 (3) contracts that do not obligate funds held within the State  
11 treasury for fiscal year 2022 and thereafter, exceeding  
12 \$20,000 is incurred by any State agency, a copy of the  
13 contract, purchase order, grant, or lease shall be filed with  
14 the Comptroller within 30 calendar days thereafter. Beginning  
15 in fiscal year 2022, information pertaining to contracts  
16 exceeding \$20,000 that do not obligate funds held within the  
17 State treasury shall be submitted in a quarterly report to the  
18 Comptroller in a form and manner prescribed by the  
19 Comptroller. The Comptroller shall make the quarterly report  
20 available on his or her website. Beginning January 1, 2013,  
21 the Comptroller may require that contracts and grants required  
22 to be filed with the Comptroller under this Section shall be  
23 filed electronically, unless the agency is incapable of filing  
24 the contract or grant electronically because it does not  
25 possess the necessary technology or equipment. Any State  
26 agency that is incapable of electronically filing its

1 contracts or grants shall submit a written statement to the  
2 Governor and to the Comptroller attesting to the reasons for  
3 its inability to comply. This statement shall include a  
4 discussion of what the State agency needs in order to  
5 effectively comply with this Section. Prior to requiring  
6 electronic filing, the Comptroller shall consult with the  
7 Governor as to the feasibility of establishing mutually  
8 agreeable technical standards for the electronic document  
9 imaging, storage, and transfer of contracts and grants, taking  
10 into consideration the technology available to that agency,  
11 best practices, and the technological capabilities of State  
12 agencies. Nothing in this amendatory Act of the 97th General  
13 Assembly shall be construed to impede the implementation of an  
14 Enterprise Resource Planning (ERP) system. For each State  
15 contract for supplies or services awarded on or after July 1,  
16 2010, the contracting agency shall provide the applicable rate  
17 and unit of measurement of the supplies or services on the  
18 contract obligation document as required by the Comptroller.  
19 If the contract obligation document that is submitted to the  
20 Comptroller contains the rate and unit of measurement of the  
21 supplies or services, the Comptroller shall provide that  
22 information on his or her official website. Any cancellation  
23 or modification to any such contract liability shall be filed  
24 with the Comptroller within 30 calendar days of its execution.

25 (c) Late filing affidavit. When a contract, purchase  
26 order, grant, or lease required to be filed by this Section has

1 not been filed within 30 calendar days of execution, the  
2 Comptroller shall refuse to issue a warrant for payment  
3 thereunder until the agency files with the Comptroller the  
4 contract, purchase order, grant, or lease and an affidavit,  
5 signed by the chief executive officer of the agency or his or  
6 her designee, setting forth an explanation of why the contract  
7 liability was not filed within 30 calendar days of execution.  
8 A copy of this affidavit shall be filed with the Auditor  
9 General.

10 (d) Timely execution of contracts. Except as set forth in  
11 subsection (b) of this Section, no voucher shall be submitted  
12 to the Comptroller for a warrant to be drawn for the payment of  
13 money from the State treasury or from other funds held by the  
14 State Treasurer on account of any contract unless the contract  
15 is reduced to writing before the services are performed and  
16 filed with the Comptroller. Contractors shall not be paid for  
17 any supplies that were received or services that were rendered  
18 before the contract was reduced to writing and signed by all  
19 necessary parties. A chief procurement officer may request an  
20 exception to this subsection by submitting a written statement  
21 to the Comptroller and Treasurer setting forth the  
22 circumstances and reasons why the contract could not be  
23 reduced to writing before the supplies were received or  
24 services were performed. A waiver of this subsection must be  
25 approved by the Comptroller and Treasurer. This Section shall  
26 not apply to emergency purchases if notice of the emergency

1 purchase is filed with the Procurement Policy Board and  
2 published in the Bulletin as required by this Code.

3 (e) Method of source selection. When a contract is filed  
4 with the Comptroller under this Section, the Comptroller's  
5 file shall identify the method of source selection used in  
6 obtaining the contract.

7 (Source: P.A. 100-43, eff. 8-9-17.)

8 Section 35. The State Prompt Payment Act is amended by  
9 changing Sections 8 and 9 as follows:

10 (30 ILCS 540/8)

11 Sec. 8. Vendor Payment Program.

12 (a) As used in this Section:

13 "Applicant" means any entity seeking to be designated  
14 as a qualified purchaser.

15 "Application period" means the time period when the  
16 Program is accepting applications as determined by the  
17 Department of Central Management Services.

18 "Assigned penalties" means penalties payable by the  
19 State in accordance with this Act that are assigned to the  
20 qualified purchaser of an assigned receivable.

21 "Assigned receivable" means the base invoice amount of  
22 a qualified account receivable and any associated assigned  
23 penalties due, currently and in the future, in accordance  
24 with this Act.

1           "Assignment agreement" means an agreement executed and  
2 delivered by a participating vendor and a qualified  
3 purchaser, in which the participating vendor will assign  
4 one or more qualified accounts receivable to the qualified  
5 purchaser and make certain representations and warranties  
6 in respect thereof.

7           "Base invoice amount" means the unpaid principal  
8 amount of the invoice associated with an assigned  
9 receivable.

10          "Department" means the Department of Central  
11 Management Services.

12          "Medical assistance program" means any program which  
13 provides medical assistance under Article V of the  
14 Illinois Public Aid Code, including Medicaid.

15          "Participating vendor" means a vendor whose  
16 application for the sale of a qualified account receivable  
17 is accepted for purchase by a qualified purchaser under  
18 the Program terms.

19          "Program" means a Vendor Payment Program.

20          "Prompt payment penalties" means penalties payable by  
21 the State in accordance with this Act.

22          "Purchase price" means 100% of the base invoice amount  
23 associated with an assigned receivable minus: (1) any  
24 deductions against the assigned receivable arising from  
25 State offsets; and (2) if and to the extent exercised by a  
26 qualified purchaser, other deductions for amounts owed by

1 the participating vendor to the qualified purchaser for  
2 State offsets applied against other accounts receivable  
3 assigned by the participating vendor to the qualified  
4 purchaser under the Program.

5 "Qualified account receivable" means an account  
6 receivable due and payable by the State that is  
7 outstanding for 90 days or more, is eligible to accrue  
8 prompt payment penalties under this Act and is verified by  
9 the relevant State agency. A qualified account receivable  
10 shall not include any account receivable related to  
11 medical assistance program (including Medicaid) payments  
12 or any other accounts receivable, the transfer or  
13 assignment of which is prohibited by, or otherwise  
14 prevented by, applicable law.

15 "Qualified purchaser" means any entity that, during  
16 any application period, is approved by the Department of  
17 Central Management Services to participate in the Program  
18 on the basis of certain qualifying criteria as determined  
19 by the Department.

20 "State offsets" means any amount deducted from  
21 payments made by the State in respect of any qualified  
22 account receivable due to the State's exercise of any  
23 offset or other contractual rights against a participating  
24 vendor. For the purpose of this Section, "State offsets"  
25 include statutorily required administrative fees imposed  
26 under the State Comptroller Act.



1 "Sub-participant" means any individual or entity that  
2 intends to purchase assigned receivables, directly or  
3 indirectly, by or through an applicant or qualified  
4 purchaser for the purposes of the Program.

5 "Sub-participant certification" means an instrument  
6 executed and delivered to the Department of Central  
7 Management Services by a sub-participant, in which the  
8 sub-participant certifies its agreement, among others, to  
9 be bound by the terms and conditions of the Program as a  
10 condition to its participation in the Program as a  
11 sub-participant.

12 (b) This Section reflects the provisions of Section  
13 900.125 of Title 74 of the Illinois Administrative Code prior  
14 to January 1, 2018. The requirements of this Section establish  
15 the criteria for participation by participating vendors and  
16 qualified purchasers in a Vendor Payment Program. Information  
17 regarding the Vendor Payment Program may be found at the  
18 Internet website for the Department of Central Management  
19 Services.

20 (c) The ~~State Comptroller and the~~ Department of Central  
21 Management Services is ~~are~~ authorized to establish and  
22 implement the Program under Section 3-3. This Section applies  
23 to all qualified accounts receivable not otherwise excluded  
24 from receiving prompt payment interest under Section 900.120  
25 of Title 74 of the Illinois Administrative Code. This Section  
26 shall not apply to the purchase of any accounts receivable

1 related to payments made under a medical assistance program,  
2 including Medicaid payments, or any other purchase of accounts  
3 receivable that is otherwise prohibited by law.

4 (d) Under the Program, qualified purchasers may purchase  
5 from participating vendors certain qualified accounts  
6 receivable owed by the State to the participating vendors. A  
7 participating vendor shall not simultaneously apply to sell  
8 the same qualified account receivable to more than one  
9 qualified purchaser. In consideration of the payment of the  
10 purchase price, a participating vendor shall assign to the  
11 qualified purchaser all of its rights to payment of the  
12 qualified account receivable, including all current and future  
13 prompt payment penalties due to that qualified account  
14 receivable in accordance with this Act.

15 (e) A vendor may apply to participate in the Program if:

16 (1) the vendor is owed an account receivable by the  
17 State for which prompt payment penalties have commenced  
18 accruing;

19 (2) the vendor's account receivable is eligible to  
20 accrue prompt payment penalty interest under this Act;

21 (3) the vendor's account receivable is not for  
22 payments under a medical assistance program; and

23 (4) the vendor's account receivable is not prohibited  
24 by, or otherwise prevented by, applicable law from being  
25 transferred or assigned under this Section.

26 (f) The Department shall review and approve or disapprove

1 each applicant seeking a qualified purchaser designation.  
2 Factors to be considered by the Department in determining  
3 whether an applicant shall be designated as a qualified  
4 purchaser include, but are not limited to, the following:

5 (1) the qualified purchaser's agreement to commit a  
6 minimum purchase amount as established from time to time  
7 by the Department based upon the current needs of the  
8 Program and the qualified purchaser's demonstrated ability  
9 to fund its commitment;

10 (2) the demonstrated ability of a qualified  
11 purchaser's sub-participants to fund their portions of a  
12 qualified purchaser's minimum purchase commitment;

13 (3) the ability of a qualified purchaser and its  
14 sub-participants to meet standards of responsibility  
15 substantially in accordance with the requirements of the  
16 Standards of Responsibility found in subsection (b) of  
17 Section 1.2046 of Title 44 of the Illinois Administrative  
18 Code concerning government contracts, procurement, and  
19 property management;

20 (4) the agreement of each qualified purchaser, at its  
21 sole cost and expense, to administer and facilitate the  
22 operation of the Program with respect to that qualified  
23 purchaser, including, without limitation, assisting  
24 potential participating vendors with the application and  
25 assignment process;

26 (5) the agreement of each qualified purchaser, at its

1           sole cost and expense, to establish a website that is  
2           determined by the Department to be sufficient to  
3           administer the Program in accordance with the terms and  
4           conditions of the Program;

5           (6) the agreement of each qualified purchaser, at its  
6           sole cost and expense, to market the Program to potential  
7           participating vendors;

8           (7) the agreement of each qualified purchaser, at its  
9           sole cost and expense, to educate participating vendors  
10          about the benefits and risks associated with participation  
11          in the Program;

12          (8) the agreement of each qualified purchaser, at its  
13          sole cost and expense, to deposit funds into, release  
14          funds from, and otherwise maintain all required accounts  
15          in accordance with the terms and conditions of the  
16          Program. Subject to the Program terms, all required  
17          accounts shall be maintained and controlled by the  
18          qualified purchaser at the qualified purchaser's sole cost  
19          and at no cost, whether in the form of fees or otherwise,  
20          to the participating vendors;

21          (9) the agreement of each qualified purchaser, at its  
22          sole cost and expense, to submit a monthly written report,  
23          in an acceptable electronic format, to the State  
24          Comptroller or its designee and the Department or its  
25          designee, within 10 days after the end of each month,  
26          which, unless otherwise specified by the Department, at a

1 minimum, shall contain:

2 (A) a listing of each assigned receivable  
3 purchased by that qualified purchaser during the  
4 month, specifying the base invoice amount and invoice  
5 date of that assigned receivable and the name of the  
6 participating vendor, State contract number, voucher  
7 number, and State agency associated with that assigned  
8 receivable;

9 (B) a listing of each assigned receivable with  
10 respect to which the qualified purchaser has received  
11 payment of the base invoice amount from the State  
12 during that month, including the amount of and date on  
13 which that payment was made and the name of the  
14 participating vendor, State contract number, voucher  
15 number, and State agency associated with the assigned  
16 receivable, and identifying the relevant application  
17 period for each assigned receivable;

18 (C) a listing of any payments of assigned  
19 penalties received from the State during the month,  
20 including the amount of and date on which the payment  
21 was made, the name of the participating vendor, the  
22 voucher number for the assigned penalty receivable,  
23 and the associated assigned receivable, including the  
24 State contract number, voucher number, and State  
25 agency associated with the assigned receivable, and  
26 identifying the relevant application period for each

1 assigned receivable;

2 (D) the aggregate number and dollar value of  
3 assigned receivables purchased by the qualified  
4 purchaser from the date on which that qualified  
5 purchaser commenced participating in the Program  
6 through the last day of the month;

7 (E) the aggregate number and dollar value of  
8 assigned receivables purchased by the qualified  
9 purchaser for which no payment by the State of the base  
10 invoice amount has yet been received, from the date on  
11 which the qualified purchaser commenced participating  
12 in the Program through the last day of the month;

13 (F) the aggregate number and dollar value of  
14 invoices purchased by the qualified purchaser for  
15 which no voucher has been submitted; and

16 (G) any other data the State Comptroller and the  
17 Department may reasonably request from time to time;

18 (10) the agreement of each qualified purchaser to use  
19 its reasonable best efforts, and for any sub-participant  
20 to cause a qualified purchaser to use its reasonable best  
21 efforts, to diligently pursue receipt of assigned  
22 penalties associated with the assigned receivables,  
23 including, without limitation, by promptly notifying the  
24 relevant State agency that an assigned penalty is due and,  
25 if necessary, seeking payment of assigned penalties  
26 through the Illinois Court of Claims; and

1           (11) the agreement of each qualified purchaser and any  
2           sub-participant to use their reasonable best efforts to  
3           implement the Program terms and to perform their  
4           obligations under the Program in a timely fashion.

5           (g) Each qualified purchaser's performance and  
6           implementation of its obligations under subsection (f) shall  
7           be subject to review by the Department and the State  
8           Comptroller at any time to confirm that the qualified  
9           purchaser is undertaking those obligations in a manner  
10          consistent with the terms and conditions of the Program. A  
11          qualified purchaser's failure to so perform its obligations  
12          including, without limitation, its obligations to diligently  
13          pursue receipt of assigned penalties associated with assigned  
14          receivables, shall be grounds for the Department and the State  
15          Comptroller to terminate the qualified purchaser's  
16          participation in the Program under subsection (i). Any such  
17          termination shall be without prejudice to any rights a  
18          participating vendor may have against that qualified  
19          purchaser, in law or in equity, including, without limitation,  
20          the right to enforce the terms of the assignment agreement and  
21          of the Program against the qualified purchaser.

22          (h) In determining whether any applicant shall be  
23          designated as a qualified purchaser, the Department shall have  
24          the right to review or approve sub-participants that intend to  
25          purchase assigned receivables, directly or indirectly, by or  
26          through the applicant. The Department reserves the right to

1 reject or terminate the designation of any applicant as a  
2 qualified purchaser or require an applicant to exclude a  
3 proposed sub-participant in order to become or remain a  
4 qualified purchaser on the basis of a review, whether prior to  
5 or after the designation. Each applicant and each qualified  
6 purchaser has an affirmative obligation to promptly notify the  
7 Department of any change or proposed change in the identity of  
8 the sub-participants that it disclosed to the Department no  
9 later than 3 business days after that change. Each  
10 sub-participant shall be required to execute a sub-participant  
11 certification that will be attached to the corresponding  
12 qualified purchaser designation. Sub-participants shall meet,  
13 at a minimum, the requirements of paragraphs (2), (3), (10),  
14 and (11) of subsection (f).

15 (i) The Program, as codified under this Section, shall  
16 continue until terminated or suspended as follows:

17 (1) The Program may be terminated or suspended: (A) by  
18 the State Comptroller, after consulting with the  
19 Department, by giving 10 days prior written notice to the  
20 Department and the qualified purchasers in the Program; or  
21 (B) by the Department, after consulting with the State  
22 Comptroller, by giving 10 days prior written notice to the  
23 State Comptroller and the qualified purchasers in the  
24 Program.

25 (2) In the event a qualified purchaser or  
26 sub-participant breaches or fails to meet any of the terms



1 or conditions of the Program, that qualified purchaser or  
2 sub-participant may be terminated from the Program: (A) by  
3 the State Comptroller, after consulting with the  
4 Department. The termination shall be effective immediately  
5 upon the State Comptroller giving written notice to the  
6 Department and the qualified purchaser or sub-participant;  
7 or (B) by the Department, after consulting with the State  
8 Comptroller. The termination shall be effective  
9 immediately upon the Department giving written notice to  
10 the State Comptroller and the qualified purchaser or  
11 sub-participant.

12 (3) A qualified purchaser or sub-participant may  
13 terminate its participation in the Program, solely with  
14 respect to its own participation in the Program, in the  
15 event of any change to this Act from the form that existed  
16 on the date that the qualified purchaser or the  
17 sub-participant, as applicable, submitted the necessary  
18 documentation for admission into the Program if the change  
19 materially and adversely affects the qualified purchaser's  
20 or the sub-participant's ability to purchase and receive  
21 payment on receivables on the terms described in this  
22 Section.

23 If the Program, a qualified purchaser, or a  
24 sub-participant is terminated or suspended under paragraph (1)  
25 or (2) of this subsection (i), the Program, qualified  
26 purchaser, or sub-participant may be reinstated only by

1 written agreement of the State Comptroller and the Department.  
2 No termination or suspension under paragraph (1), (2), or (3)  
3 of this subsection (i) shall alter or affect the qualified  
4 purchaser's or sub-participant's obligations with respect to  
5 assigned receivables purchased by or through the qualified  
6 purchaser prior to the termination.

7 (Source: P.A. 100-1089, eff. 8-24-18; 101-81, eff. 7-12-19.)

8 (30 ILCS 540/9)

9 Sec. 9. Vendor Payment Program financial backer  
10 disclosure.

11 (a) Within 60 days after August 24, 2018 (the effective  
12 date of Public Act 100-1089) ~~this amendatory Act of the 100th~~  
13 ~~General Assembly~~, at the time of application, and annually on  
14 August July 1 of each year for the previous fiscal year, each  
15 qualified purchaser shall submit to the Department and the  
16 State Comptroller the following information about each person,  
17 director, owner, officer, association, financial backer,  
18 partnership, other entity, corporation, or trust with an  
19 indirect or direct financial interest in each qualified  
20 purchaser:

21 (1) percent ownership;

22 (2) type of ownership;

23 (3) first name, middle name, last name, maiden name  
24 (if applicable), including aliases or former names;

25 (4) mailing address;

- 1 (5) type of business entity, if applicable;
- 2 (6) dates and jurisdiction of business formation or  
3 incorporation, if applicable;
- 4 (7) names of controlling shareholders, class of stock,  
5 percentage ownership;
- 6 (8) any indirect earnings resulting from the Program;  
7 and
- 8 (9) any earnings associated with the Program to any  
9 parties not previously disclosed.

10 (b) Within 60 days after August 24, 2018 (the effective  
11 date of Public Act 100-1089) ~~this amendatory Act of the 100th~~  
12 ~~General Assembly~~, at the time of application, and annually on  
13 August July 1 of each year for the previous fiscal year, each  
14 trust associated with the qualified purchaser shall submit to  
15 the Department and the State Comptroller the following  
16 information:

- 17 (1) names, addresses, dates of birth, and percentages  
18 of interest of all beneficiaries;
- 19 (2) any indirect earnings resulting from the Program;  
20 and
- 21 (3) any earnings associated with the Program to any  
22 parties not previously disclosed.

23 (c) Each qualified purchaser must submit a statement to  
24 the State Comptroller and the Department of Central Management  
25 Services disclosing whether such qualified purchaser or any  
26 related person, director, owner, officer, or financial backer

1 has previously or currently retained or contracted with any  
2 registered lobbyist, lawyer, accountant, or other consultant  
3 to prepare the disclosure required under this Section.

4 (Source: P.A. 100-1089, eff. 8-24-18.)

5 Section 40. The Property Tax Code is amended by changing  
6 Section 30-31 as follows:

7 (35 ILCS 200/30-31)

8 Sec. 30-31. Fiscal Responsibility Report Card; State  
9 Comptroller. The State Comptroller, within 180 days of the  
10 conclusion of the fiscal year of the State, shall make  
11 available on the Comptroller's website ~~submit to the General~~  
12 ~~Assembly and the clerk of each county~~ a Fiscal Responsibility  
13 Report Card in the form prescribed by the State Comptroller  
14 after consultation with other State Constitutional officers  
15 selected by the State Comptroller. The Fiscal Responsibility  
16 Report Card shall inform the General Assembly and the county  
17 clerks about the amounts, sources, and uses of tax revenues  
18 received and expended by each taxing district, other than a  
19 school district, that imposes ad valorem taxes.

20 (Source: Incorporates P.A. 88-280; 88-670, eff. 12-2-94.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.