



Sen. John Connor

**Filed: 3/19/2021**

10200SB0581sam001

LRB102 13774 RJF 23430 a

1 AMENDMENT TO SENATE BILL 581

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 581 by replacing  
3 everything after the enacting clause with the following:

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

6 (5 ILCS 340/3) (from Ch. 15, par. 503)

7 Sec. 3. Definitions. As used in this Act unless the  
8 context otherwise requires:

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

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

1 organization desiring to be designated as a qualified  
2 organization shall:

3 (1) Submit written or electronic designations on forms  
4 approved by the State Comptroller by 500 or more employees  
5 or State annuitants, in which such employees or State  
6 annuitants indicate that the organization is one for which  
7 the employee or State annuitant intends to authorize  
8 withholding. The forms shall require the name, last 4  
9 digits only of the social security number, and employing  
10 State agency for each employee. Upon notification by the  
11 Comptroller that such forms have been approved, the  
12 organization shall, within 30 days, notify in writing the  
13 Comptroller ~~Governor~~ or his or her designee of its  
14 intention to obtain the required number of designations.  
15 Such organization shall have 12 months from that date to  
16 obtain the necessary designations and return to the State  
17 Comptroller's office the completed designations, which  
18 shall be subject to verification procedures established by  
19 the State Comptroller;

20 (2) Certify that all benefiting agencies are tax  
21 exempt under Section 501(c)(3) of the Internal Revenue  
22 Code;

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

25 (4) Certify that all benefiting agencies are in  
26 compliance with the Charitable Trust Act and the

1 Solicitation for Charity Act;

2 (5) Certify that all benefiting agencies actively  
3 conduct health or welfare programs and provide services to  
4 individuals directed at one or more of the following  
5 common human needs within a community: service, research,  
6 and education in the health fields; family and child care  
7 services; protective services for children and adults;  
8 services for children and adults in foster care; services  
9 related to the management and maintenance of the home; day  
10 care services for adults; transportation services;  
11 information, referral and counseling services; services to  
12 eliminate illiteracy; the preparation and delivery of  
13 meals; adoption services; emergency shelter care and  
14 relief services; disaster relief services; safety  
15 services; neighborhood and community organization  
16 services; recreation services; social adjustment and  
17 rehabilitation services; health support services; or a  
18 combination of such services designed to meet the special  
19 needs of specific groups, such as children and youth, the  
20 ill and infirm, and persons with physical disabilities;  
21 and that all such benefiting agencies provide the above  
22 described services to individuals and their families in  
23 the community and surrounding area in which the  
24 organization conducts its fund drive, or that such  
25 benefiting agencies provide relief to victims of natural  
26 disasters and other emergencies on a where and as needed

1 basis;

2 (6) Certify that the organization has disclosed the  
3 percentage of the organization's total collected receipts  
4 from employees or State annuitants that are distributed to  
5 the benefiting agencies and the percentage of the  
6 organization's total collected receipts from employees or  
7 State annuitants that are expended for fund-raising and  
8 overhead costs. These percentages shall be the same  
9 percentage figures annually disclosed by the organization  
10 to the Attorney General. The disclosure shall be made to  
11 all solicited employees and State annuitants and shall be  
12 in the form of a factual statement on all petitions and in  
13 the campaign's brochures for employees and State  
14 annuitants;

15 (7) Certify that all benefiting agencies receiving  
16 funds which the employee or State annuitant has requested  
17 or designated for distribution to a particular community  
18 and surrounding area use a majority of such funds  
19 distributed for services in the actual provision of  
20 services in that community and surrounding area;

21 (8) Certify that neither it nor its member  
22 organizations will solicit State employees for  
23 contributions at their workplace, except pursuant to this  
24 Act and the rules promulgated thereunder. Each qualified  
25 organization, and each participating United Fund, is  
26 encouraged to cooperate with all others and with all State

1 agencies and educational institutions so as to simplify  
2 procedures, to resolve differences and to minimize costs;

3 (9) Certify that it will pay its share of the campaign  
4 costs and will comply with the Code of Campaign Conduct as  
5 approved by the Comptroller ~~Governor~~ or other agency as  
6 designated by the Comptroller ~~Governor~~; and

7 (10) Certify that it maintains a year-round office,  
8 the telephone number, and person responsible for the  
9 operations of the organization in Illinois. That  
10 information shall be provided to the State Comptroller at  
11 the time the organization is seeking participation under  
12 this Act.

13 Each qualified organization shall submit to the State  
14 Comptroller between January 1 and March 1 of each year, a  
15 statement that the organization is in compliance with all of  
16 the requirements set forth in paragraphs (2) through (10). The  
17 State Comptroller shall exclude any organization that fails to  
18 submit the statement from the next solicitation period.

19 In order to be designated as a qualified organization, the  
20 organization shall have existed at least 2 years prior to  
21 submitting the written or electronic designation forms  
22 required in paragraph (1) and shall certify to the State  
23 Comptroller that such organization has been providing services  
24 described in paragraph (5) in Illinois. If the organization  
25 seeking designation represents more than one benefiting  
26 agency, it need not have existed for 2 years but shall certify

1 to the State Comptroller that each of its benefiting agencies  
2 has existed for at least 2 years prior to submitting the  
3 written or electronic designation forms required in paragraph  
4 (1) and that each has been providing services described in  
5 paragraph (5) in Illinois.

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

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

1 knowledge and belief, and shall pay over to the benefiting  
2 agency those funds previously withheld.

3 In order to qualify, a qualified organization must receive  
4 250 deduction pledges from the immediately preceding  
5 solicitation period as set forth in Section 6. The Comptroller  
6 shall, by February 1st of each year, so notify any qualified  
7 organization that failed to receive the minimum deduction  
8 requirement. The notification shall give such qualified  
9 organization until March 1st to provide the Comptroller with  
10 documentation that the minimum deduction requirement has been  
11 met. On the basis of all the documentation, the Comptroller  
12 shall, by March 15th of each year, make publicly available  
13 ~~submit to the Governor or his or her designee, or such other~~  
14 ~~agency as may be determined by the Governor,~~ a list of all  
15 organizations which have met the minimum payroll deduction  
16 requirement. Only those organizations which have met such  
17 requirements, as well as the other requirements of this  
18 Section, shall be permitted to solicit State employees or  
19 State annuitants for voluntary contributions, and the  
20 Comptroller shall discontinue withholding for any such  
21 organization which fails to meet these requirements, except  
22 qualified organizations that received deduction pledges during  
23 the 2004 solicitation period are deemed to be qualified for  
24 the 2005 solicitation period.

25 (c) "United Fund" means the organization conducting the  
26 single, annual, consolidated effort to secure funds for

1 distribution to agencies engaged in charitable and public  
2 health, welfare and services purposes, which is commonly known  
3 as the United Fund, or the organization which serves in place  
4 of the United Fund organization in communities where an  
5 organization known as the United Fund is not organized.

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

9 (d) "State and Universities Employees Combined Appeal",  
10 otherwise known as "SECA", means the State-directed joint  
11 effort of all of the qualified organizations, together with  
12 the United Funds, for the solicitation of voluntary  
13 contributions from State and University employees and State  
14 annuitants.

15 (e) "Retirement system" means any or all of the following:  
16 the General Assembly Retirement System, the State Employees'  
17 Retirement System of Illinois, the State Universities  
18 Retirement System, the Teachers' Retirement System of the  
19 State of Illinois, and the Judges Retirement System.

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

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

24 (5 ILCS 340/5) (from Ch. 15, par. 505)

25 Sec. 5. Rules; Advisory Committee. The State Comptroller



1 shall promulgate and issue reasonable rules and regulations as  
2 deemed necessary for the administration of this Act.

3 ~~All~~ ~~However,~~ ~~all~~ solicitations of State employees for  
4 contributions at their workplace and all solicitations of  
5 State annuitants for contributions shall be in accordance with  
6 rules promulgated by the Comptroller ~~Governor~~ or his or her  
7 designee or other agency as may be designated by the  
8 Comptroller ~~Governor~~. All solicitations of State annuitants  
9 for contributions shall also be in accordance with the rules  
10 promulgated by the applicable retirement system.

11 The rules promulgated by the Comptroller ~~Governor~~ or his  
12 or her designee or other agency as designated by the  
13 Comptroller ~~Governor~~ shall include a Code of Campaign Conduct  
14 that all qualified organizations and United Funds shall  
15 subscribe to in writing, sanctions for violations of the Code  
16 of Campaign Conduct, provision for the handling of cash  
17 contributions, provision for an Advisory Committee, provisions  
18 for the allocation of expenses among the participating  
19 organizations, an organizational plan and structure whereby  
20 responsibilities are set forth for the appropriate State  
21 employees or State annuitants and the participating  
22 organizations, and any other matters that are necessary to  
23 accomplish the purposes of this Act.

24 The Comptroller ~~Governor~~ or the Comptroller's ~~Governor's~~  
25 designee shall promulgate rules to establish the composition  
26 and the duties of the Advisory Committee. The Comptroller

1 ~~Governor~~ or the Comptroller's ~~Governor's~~ designee shall make  
2 appointments to the Advisory Committee. The powers of the  
3 Advisory Committee shall include, at a minimum, the ability to  
4 impose the sanctions authorized by rule. Each State agency and  
5 each retirement system shall file an annual report that sets  
6 forth, for the prior calendar year, (i) the total amount of  
7 money contributed to each qualified organization and united  
8 fund through both payroll deductions and cash contributions,  
9 (ii) the number of employees or State annuitants who have  
10 contributed to each qualified organization and united fund,  
11 and (iii) any other information required by the rules. The  
12 report shall not include the names of any contributing or  
13 non-contributing employees or State annuitants. The report  
14 shall be filed with the Advisory Committee no later than March  
15 15. The report shall be available for inspection.

16 Other constitutional officers, retirement systems, the  
17 University of Illinois, Southern Illinois University, Chicago  
18 State University, Eastern Illinois University, Governors State  
19 University, Illinois State University, Northeastern Illinois  
20 University, Northern Illinois University, and Western Illinois  
21 University shall be governed by the rules promulgated pursuant  
22 to this Section, unless such entities adopt their own rules  
23 governing solicitation of contributions at the workplace.

24 All rules promulgated pursuant to this Section shall not  
25 discriminate against one or more qualified organizations or  
26 United Funds.

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

2 (5 ILCS 340/7) (from Ch. 15, par. 507)

3 Sec. 7. Notwithstanding any other provision of this Act, a  
4 participating organization or a United Fund may be denied  
5 participation in SECA for willful failure to comply with the  
6 provisions of paragraph (9) of subsection (b) of Section 3 of  
7 this Act. The agency designated by the Comptroller ~~Governor~~  
8 under paragraph (9) of subsection (b) of Section 3 of this Act  
9 shall adopt rules providing for procedures for review by the  
10 agency of alleged violations of that paragraph and appropriate  
11 remedial sanctions for noncompliance. The rules shall include  
12 an appeal procedure for any affected participating  
13 organization or United Fund. The agency designated by the  
14 Comptroller ~~Governor~~ shall notify the Comptroller immediately  
15 of any final decision to remove a qualified organization or  
16 United Fund from participation in SECA.

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

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

21 (15 ILCS 405/17) (from Ch. 15, par. 217)

22 Sec. 17. Inventory control records. The comptroller shall  
23 maintain current inventory records of property held by or on

1 behalf of the State or any State agency, which may be copies of  
2 the official inventory control records maintained by State  
3 agencies or summaries thereof. The Office of the Comptroller  
4 shall define reporting requirements and thresholds to be used  
5 by State agencies in the Comptroller's Statewide Accounting  
6 Management System (SAMS) manual. The Department of Central  
7 Management Services and each other State agency so holding  
8 such property shall report to the comptroller, on forms  
9 prescribed by the comptroller, all property acquired or  
10 disposed of by that agency, in such detail and at such times as  
11 the comptroller requires, by rule, to maintain accurate,  
12 current inventory records. ~~The Department of Central  
13 Management Services shall transmit to the comptroller a  
14 certified copy of all reports it may issue concerning State  
15 property, including its annual report.~~

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

17 (15 ILCS 405/19.5)

18 Sec. 19.5. Comprehensive Annual Financial Report ~~(CAFR)~~;  
19 procedures and reporting.

20 (a) On or before October 31, 2012, and on or before each  
21 October 31 thereafter, State agencies shall report to the  
22 Comptroller all financial information deemed necessary by the  
23 Comptroller to compile and publish a comprehensive annual  
24 financial report using generally accepted accounting  
25 principles for the fiscal year ending June 30 of that year. The

1 Comptroller may require certain State agencies to submit the  
2 required information before October 31 under a schedule  
3 established by the Comptroller. If a State agency has  
4 submitted no or insufficient financial information by October  
5 31, the Comptroller shall serve a written notice to each  
6 respective State agency director or secretary about the  
7 delinquency or inadequacy of the financial information.

8 (b) If the financial information required in subsection  
9 (a) is submitted to the Comptroller on or before October 31,  
10 the lapse period is not extended past August 31 for the given  
11 fiscal year, and the Office of the Auditor General has  
12 completed an audit of the comprehensive annual financial  
13 report, then the Comptroller shall publish a comprehensive  
14 annual financial report using generally accepted accounting  
15 principles for the fiscal year ending June 30 of that year by  
16 December 31. If the information as required by subsection (a)  
17 is not provided to the Comptroller in time to publish the  
18 report by December 31, then upon notice from the Comptroller  
19 of the delay, each respective State agency director or  
20 secretary shall report his or her State agency's delinquency  
21 and provide an action plan to bring his or her State agency  
22 into compliance to the Comptroller, the Auditor General, the  
23 Office of the Governor, the Speaker and Minority Leader of the  
24 House of Representatives, and the President and Minority  
25 Leader of the Senate. Upon receiving that report from a State  
26 agency director or secretary, the Comptroller shall post that

1 report with the action plan on his or her official website.

2 (c) If a comprehensive annual financial report using  
3 generally accepted accounting principles cannot be published  
4 by December 31 due to insufficient or inadequate reporting to  
5 the Comptroller, the lapse period is extended past August 31  
6 for the given fiscal year, or the Office of the Auditor General  
7 has not completed an audit of the comprehensive annual  
8 financial report, then the Comptroller may issue interim  
9 reports containing financial information made available by  
10 reporting State agencies until an audit opinion is issued by  
11 the Auditor General on the comprehensive annual financial  
12 report.

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

14 (15 ILCS 405/28 new)

15 Sec. 28. Comptroller recess appointments. If, during a  
16 recess of the Senate, there is a vacancy in an office filled by  
17 appointment by the Comptroller by and with the advice and  
18 consent of the Senate, the Comptroller shall make a temporary  
19 appointment until the next meeting of the Senate, when he or  
20 she shall make a nomination to fill such office. Any  
21 nomination not acted upon by the Senate within 60 session days  
22 after the receipt thereof shall be deemed to have received the  
23 advice and consent of the Senate. No person rejected by the  
24 Senate for an office shall, except at the Senate's request, be  
25 nominated again for that office at the same session or be

1 appointed to that office during a recess of that Senate.

2 Section 15. The Personnel Code is amended by changing  
3 Section 4c as follows:

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

5 Sec. 4c. General exemptions. The following positions in  
6 State service shall be exempt from jurisdictions A, B, and C,  
7 unless the jurisdictions shall be extended as provided in this  
8 Act:

9 (1) All officers elected by the people.

10 (2) All positions under the Lieutenant Governor,  
11 Secretary of State, State Treasurer, State Comptroller,  
12 State Board of Education, Clerk of the Supreme Court,  
13 Attorney General, and State Board of Elections.

14 (3) Judges, and officers and employees of the courts,  
15 and notaries public.

16 (4) All officers and employees of the Illinois General  
17 Assembly, all employees of legislative commissions, all  
18 officers and employees of the Illinois Legislative  
19 Reference Bureau and the Legislative Printing Unit.

20 (5) All positions in the Illinois National Guard and  
21 Illinois State Guard, paid from federal funds or positions  
22 in the State Military Service filled by enlistment and  
23 paid from State funds.

24 (6) All employees of the Governor at the executive

1 mansion and on his immediate personal staff.

2 (7) Directors of Departments, the Adjutant General,  
3 the Assistant Adjutant General, the Director of the  
4 Illinois Emergency Management Agency, members of boards  
5 and commissions, and all other positions appointed by the  
6 Governor by and with the consent of the Senate.

7 (8) The presidents, other principal administrative  
8 officers, and teaching, research and extension faculties  
9 of Chicago State University, Eastern Illinois University,  
10 Governors State University, Illinois State University,  
11 Northeastern Illinois University, Northern Illinois  
12 University, Western Illinois University, the Illinois  
13 Community College Board, Southern Illinois University,  
14 Illinois Board of Higher Education, University of  
15 Illinois, State Universities Civil Service System,  
16 University Retirement System of Illinois, and the  
17 administrative officers and scientific and technical staff  
18 of the Illinois State Museum.

19 (9) All other employees except the presidents, other  
20 principal administrative officers, and teaching, research  
21 and extension faculties of the universities under the  
22 jurisdiction of the Board of Regents and the colleges and  
23 universities under the jurisdiction of the Board of  
24 Governors of State Colleges and Universities, Illinois  
25 Community College Board, Southern Illinois University,  
26 Illinois Board of Higher Education, Board of Governors of



1 State Colleges and Universities, the Board of Regents,  
2 University of Illinois, State Universities Civil Service  
3 System, University Retirement System of Illinois, so long  
4 as these are subject to the provisions of the State  
5 Universities Civil Service Act.

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

8 (11) (Blank).

9 (12) The technical and engineering staffs of the  
10 Department of Transportation, the Department of Nuclear  
11 Safety, the Pollution Control Board, and the Illinois  
12 Commerce Commission, and the technical and engineering  
13 staff providing architectural and engineering services in  
14 the Department of Central Management Services.

15 (13) All employees of the Illinois State Toll Highway  
16 Authority.

17 (14) The Secretary of the Illinois Workers'  
18 Compensation Commission.

19 (15) All persons who are appointed or employed by the  
20 Director of Insurance under authority of Section 202 of  
21 the Illinois Insurance Code to assist the Director of  
22 Insurance in discharging his responsibilities relating to  
23 the rehabilitation, liquidation, conservation, and  
24 dissolution of companies that are subject to the  
25 jurisdiction of the Illinois Insurance Code.

26 (16) All employees of the St. Louis Metropolitan Area

1 Airport Authority.

2 (17) All investment officers employed by the Illinois  
3 State Board of Investment.

4 (18) Employees of the Illinois Young Adult  
5 Conservation Corps program, administered by the Illinois  
6 Department of Natural Resources, authorized grantee under  
7 Title VIII of the Comprehensive Employment and Training  
8 Act of 1973, 29 USC 993.

9 (19) Seasonal employees of the Department of  
10 Agriculture for the operation of the Illinois State Fair  
11 and the DuQuoin State Fair, no one person receiving more  
12 than 29 days of such employment in any calendar year.

13 (20) All "temporary" employees hired under the  
14 Department of Natural Resources' Illinois Conservation  
15 Service, a youth employment program that hires young  
16 people to work in State parks for a period of one year or  
17 less.

18 (21) All hearing officers of the Human Rights  
19 Commission.

20 (22) All employees of the Illinois Mathematics and  
21 Science Academy.

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

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

26 (25) The Executive Inspectors General, including

1 special Executive Inspectors General, and employees of  
2 each Office of an Executive Inspector General.

3 (26) The commissioners and employees of the  
4 Legislative Ethics Commission.

5 (27) The Legislative Inspector General, including  
6 special Legislative Inspectors General, and employees of  
7 the Office of the Legislative Inspector General.

8 (28) The Auditor General's Inspector General and  
9 employees of the Office of the Auditor General's Inspector  
10 General.

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

12 (30) Employees having demonstrable, defined advanced  
13 skills in accounting, financial reporting, or technical  
14 expertise who are employed within executive branch  
15 agencies and whose duties are directly related to the  
16 submission to the Office of the Comptroller of financial  
17 information for the publication of the Comprehensive  
18 Annual Financial Report ~~(CAFR)~~.

19 (31) All employees of the Illinois Sentencing Policy  
20 Advisory Council.

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

22 Section 20. The State Finance Act is amended by changing  
23 Section 25 as follows:

24 (30 ILCS 105/25) (from Ch. 127, par. 161)

1           Sec. 25. Fiscal year limitations.

2           (a) All appropriations shall be available for expenditure  
3 for the fiscal year or for a lesser period if the Act making  
4 that appropriation so specifies. A deficiency or emergency  
5 appropriation shall be available for expenditure only through  
6 June 30 of the year when the Act making that appropriation is  
7 enacted unless that Act otherwise provides.

8           (b) Outstanding liabilities as of June 30, payable from  
9 appropriations which have otherwise expired, may be paid out  
10 of the expiring appropriations during the 2-month period  
11 ending at the close of business on August 31. Extensions of  
12 lapse period may be made for individual agencies or funds only  
13 upon the signed authorization of the Governor and Comptroller,  
14 and shall not be extended by more than an additional 30 days.  
15 Any service involving professional or artistic skills or any  
16 personal services by an employee whose compensation is subject  
17 to income tax withholding must be performed as of June 30 of  
18 the fiscal year in order to be considered an "outstanding  
19 liability as of June 30" that is thereby eligible for payment  
20 out of the expiring appropriation.

21           (b-1) However, payment of tuition reimbursement claims  
22 under Section 14-7.03 or 18-3 of the School Code may be made by  
23 the State Board of Education from its appropriations for those  
24 respective purposes for any fiscal year, even though the  
25 claims reimbursed by the payment may be claims attributable to  
26 a prior fiscal year, and payments may be made at the direction

1 of the State Superintendent of Education from the fund from  
2 which the appropriation is made without regard to any fiscal  
3 year limitations, except as required by subsection (j) of this  
4 Section. Beginning on June 30, 2021, payment of tuition  
5 reimbursement claims under Section 14-7.03 or 18-3 of the  
6 School Code as of June 30, payable from appropriations that  
7 have 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-2) (Blank).

11 (b-2.5) (Blank).

12 (b-2.6) (Blank).

13 (b-2.6a) (Blank).

14 (b-2.6b) (Blank).

15 (b-2.6c) (Blank).

16 (b-2.6d) All outstanding liabilities as of June 30, 2020,  
17 payable from appropriations that would otherwise expire at the  
18 conclusion of the lapse period for fiscal year 2020, and  
19 interest penalties payable on those liabilities under the  
20 State Prompt Payment Act, may be paid out of the expiring  
21 appropriations until December 31, 2020, 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 September 30, 2020.

25 (b-2.7) For fiscal years 2012, 2013, 2014, 2018, 2019,  
26 2020, and 2021, interest penalties payable under the State

1 Prompt Payment Act associated with a voucher for which payment  
2 is issued after June 30 may be paid out of the next fiscal  
3 year's appropriation. The future year appropriation must be  
4 for the same purpose and from the same fund as the original  
5 payment. An interest penalty voucher submitted against a  
6 future year appropriation must be submitted within 60 days  
7 after the issuance of the associated voucher, except that, for  
8 fiscal year 2018 only, an interest penalty voucher submitted  
9 against a future year appropriation must be submitted within  
10 60 days of June 5, 2019 (the effective date of Public Act  
11 101-10). The Comptroller must issue the interest payment  
12 within 60 days after acceptance of the interest voucher.

13 (b-3) Medical payments may be made by the Department of  
14 Veterans' Affairs from its appropriations for those purposes  
15 for any fiscal year, without regard to the fact that the  
16 medical services being compensated for by such payment may  
17 have been rendered in a prior fiscal year, except as required  
18 by subsection (j) of this Section. Beginning on June 30, 2021,  
19 medical payments payable from appropriations that have  
20 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-4) Medical payments and child care payments may be made  
24 by the Department of Human Services (as successor to the  
25 Department of Public Aid) from appropriations for those  
26 purposes for any fiscal year, without regard to the fact that

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

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

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

4 (b-6) (Blank).

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

10 (b-8) Reimbursements to eligible airport sponsors for the  
11 construction or upgrading of Automated Weather Observation  
12 Systems may be made by the Department of Transportation from  
13 appropriations for those purposes for any fiscal year, without  
14 regard to the fact that the qualification or obligation may  
15 have occurred in a prior fiscal year, provided that at the time  
16 the expenditure was made the project had been approved by the  
17 Department of Transportation prior to June 1, 2012 and, as a  
18 result of recent changes in federal funding formulas, can no  
19 longer receive federal reimbursement.

20 (b-9) (Blank).

21 (c) Further, payments may be made by the Department of  
22 Public Health and the Department of Human Services (acting as  
23 successor to the Department of Public Health under the  
24 Department of Human Services Act) from their respective  
25 appropriations for grants for medical care to or on behalf of  
26 premature and high-mortality risk infants and their mothers



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

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

1 category those expenditures from the most recently completed  
2 fiscal year used to pay for services provided in prior fiscal  
3 years.

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

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

1 those expenditures from the most recently completed fiscal  
2 year used to pay for services provided in prior fiscal years.

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

7 (1) Explanations of the exact causes of the variance  
8 between the previous year's estimated and actual  
9 liabilities.

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

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

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

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

25 (1) billing user agencies in advance for payments or  
26 authorized inter-fund transfers based on estimated charges

1 for goods or services;

2 (2) issuing credits, refunding through inter-fund  
3 transfers, or reducing future inter-fund transfers during  
4 the subsequent fiscal year for all user agency payments or  
5 authorized inter-fund transfers received during the prior  
6 fiscal year which were in excess of the final amounts owed  
7 by the user agency for that period; and

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

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

21 (i-1) Beginning on July 1, 2021, all outstanding  
22 liabilities, not payable during the 4-month lapse period as  
23 described in subsections (b-1), (b-3), (b-4), (b-5), and (c)  
24 of this Section, that are made from appropriations for that  
25 purpose for any fiscal year, without regard to the fact that  
26 the services being compensated for by those payments may have

1 been rendered in a prior fiscal year, are limited to only those  
2 claims that have been incurred but for which a proper bill or  
3 invoice as defined by the State Prompt Payment Act has not been  
4 received by September 30th following the end of the fiscal  
5 year in which the service was rendered.

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

12 (1) \$6,000,000,000 for outstanding liabilities related  
13 to fiscal year 2012;

14 (2) \$5,300,000,000 for outstanding liabilities related  
15 to fiscal year 2013;

16 (3) \$4,600,000,000 for outstanding liabilities related  
17 to fiscal year 2014;

18 (4) \$4,000,000,000 for outstanding liabilities related  
19 to fiscal year 2015;

20 (5) \$3,300,000,000 for outstanding liabilities related  
21 to fiscal year 2016;

22 (6) \$2,600,000,000 for outstanding liabilities related  
23 to fiscal year 2017;

24 (7) \$2,000,000,000 for outstanding liabilities related  
25 to fiscal year 2018;

26 (8) \$1,300,000,000 for outstanding liabilities related

1 to fiscal year 2019;

2 (9) \$600,000,000 for outstanding liabilities related  
3 to fiscal year 2020; and

4 (10) \$0 for outstanding liabilities related to fiscal  
5 year 2021 and fiscal years thereafter.

6 (k) Department of Healthcare and Family Services Medical  
7 Assistance Payments.

8 (1) Definition of Medical Assistance.

9 For purposes of this subsection, the term "Medical  
10 Assistance" shall include, but not necessarily be  
11 limited to, medical programs and services authorized  
12 under Titles XIX and XXI of the Social Security Act,  
13 the Illinois Public Aid Code, the Children's Health  
14 Insurance Program Act, the Covering ALL KIDS Health  
15 Insurance Act, the Long Term Acute Care Hospital  
16 Quality Improvement Transfer Program Act, and medical  
17 care to or on behalf of persons suffering from chronic  
18 renal disease, persons suffering from hemophilia, and  
19 victims of sexual assault.

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

22 (A) The maximum amounts of annual unpaid Medical  
23 Assistance bills received and recorded by the  
24 Department of Healthcare and Family Services on or  
25 before June 30th of a particular fiscal year  
26 attributable in aggregate to the General Revenue Fund,

1 Healthcare Provider Relief Fund, Tobacco Settlement  
2 Recovery Fund, Long-Term Care Provider Fund, and the  
3 Drug Rebate Fund that may be paid in total by the  
4 Department from future fiscal year Medical Assistance  
5 appropriations to those funds are: \$700,000,000 for  
6 fiscal year 2013 and \$100,000,000 for fiscal year 2014  
7 and each fiscal year thereafter.

8 (B) Bills for Medical Assistance services rendered  
9 in a particular fiscal year, but received and recorded  
10 by the Department of Healthcare and Family Services  
11 after June 30th of that fiscal year, may be paid from  
12 either appropriations for that fiscal year or future  
13 fiscal year appropriations for Medical Assistance.  
14 Such payments shall not be subject to the requirements  
15 of subparagraph (A).

16 (C) Medical Assistance bills received by the  
17 Department of Healthcare and Family Services in a  
18 particular fiscal year, but subject to payment amount  
19 adjustments in a future fiscal year may be paid from a  
20 future fiscal year's appropriation for Medical  
21 Assistance. Such payments shall not be subject to the  
22 requirements of subparagraph (A).

23 (D) Medical Assistance payments made by the  
24 Department of Healthcare and Family Services from  
25 funds other than those specifically referenced in  
26 subparagraph (A) may be made from appropriations for

1           those purposes for any fiscal year without regard to  
2           the fact that the Medical Assistance services being  
3           compensated for by such payment may have been rendered  
4           in a prior fiscal year. Such payments shall not be  
5           subject to the requirements of subparagraph (A).

6           (3) Extended lapse period for Department of Healthcare  
7           and Family Services Medical Assistance payments.  
8           Notwithstanding any other State law to the contrary,  
9           outstanding Department of Healthcare and Family Services  
10          Medical Assistance liabilities, as of June 30th, payable  
11          from appropriations which have otherwise expired, may be  
12          paid out of the expiring appropriations during the 4-month  
13          ~~6-month~~ period ending at the close of business on October  
14          ~~December~~ 31st. Extensions of Healthcare and Family  
15          Services Medical Assistance payments lapse period may be  
16          made upon the signed authorization of the Governor and  
17          Comptroller, and shall not be extended by more than an  
18          additional 30 days.

19          (1) The changes to this Section made by Public Act 97-691  
20          shall be effective for payment of Medical Assistance bills  
21          incurred in fiscal year 2013 and future fiscal years. The  
22          changes to this Section made by Public Act 97-691 shall not be  
23          applied to Medical Assistance bills incurred in fiscal year  
24          2012 or prior fiscal years.

25          (m) The Comptroller must issue payments against  
26          outstanding liabilities that were received prior to the lapse



1 period deadlines set forth in this Section as soon thereafter  
2 as practical, but no payment may be issued after the 4 months  
3 following the lapse period deadline without the signed  
4 authorization of the Comptroller and the Governor.

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

8 (30 ILCS 105/11.5 rep.)

9 Section 25. The State Finance Act is amended by repealing  
10 Section 11.5.

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

13 (30 ILCS 500/20-80)

14 Sec. 20-80. Contract files.

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

18 (b) Filing with Comptroller. Whenever a grant, defined  
19 pursuant to accounting standards established by the  
20 Comptroller, or a contract liability, except for: (1)  
21 contracts paid from personal services, ~~or~~ (2) contracts  
22 between the State and its employees to defer compensation in  
23 accordance with Article 24 of the Illinois Pension Code, or

1 (3) contracts that do not obligate funds held within the State  
2 treasury for fiscal year 2022 and thereafter, exceeding  
3 \$20,000 is incurred by any State agency, a copy of the  
4 contract, purchase order, grant, or lease shall be filed with  
5 the Comptroller within 30 calendar days thereafter. Beginning  
6 in fiscal year 2022, information pertaining to contracts  
7 exceeding \$20,000 that do not obligate funds held within the  
8 State treasury shall be submitted in a quarterly report to the  
9 Comptroller in a form and manner prescribed by the  
10 Comptroller. The Comptroller shall make the quarterly report  
11 available on his or her website. Beginning January 1, 2013,  
12 the Comptroller may require that contracts and grants required  
13 to be filed with the Comptroller under this Section shall be  
14 filed electronically, unless the agency is incapable of filing  
15 the contract or grant electronically because it does not  
16 possess the necessary technology or equipment. Any State  
17 agency that is incapable of electronically filing its  
18 contracts or grants shall submit a written statement to the  
19 Governor and to the Comptroller attesting to the reasons for  
20 its inability to comply. This statement shall include a  
21 discussion of what the State agency needs in order to  
22 effectively comply with this Section. Prior to requiring  
23 electronic filing, the Comptroller shall consult with the  
24 Governor as to the feasibility of establishing mutually  
25 agreeable technical standards for the electronic document  
26 imaging, storage, and transfer of contracts and grants, taking

1 into consideration the technology available to that agency,  
2 best practices, and the technological capabilities of State  
3 agencies. Nothing in this amendatory Act of the 97th General  
4 Assembly shall be construed to impede the implementation of an  
5 Enterprise Resource Planning (ERP) system. For each State  
6 contract for supplies or services awarded on or after July 1,  
7 2010, the contracting agency shall provide the applicable rate  
8 and unit of measurement of the supplies or services on the  
9 contract obligation document as required by the Comptroller.  
10 If the contract obligation document that is submitted to the  
11 Comptroller contains the rate and unit of measurement of the  
12 supplies or services, the Comptroller shall provide that  
13 information on his or her official website. Any cancellation  
14 or modification to any such contract liability shall be filed  
15 with the Comptroller within 30 calendar days of its execution.

16 (c) Late filing affidavit. When a contract, purchase  
17 order, grant, or lease required to be filed by this Section has  
18 not been filed within 30 calendar days of execution, the  
19 Comptroller shall refuse to issue a warrant for payment  
20 thereunder until the agency files with the Comptroller the  
21 contract, purchase order, grant, or lease and an affidavit,  
22 signed by the chief executive officer of the agency or his or  
23 her designee, setting forth an explanation of why the contract  
24 liability was not filed within 30 calendar days of execution.  
25 A copy of this affidavit shall be filed with the Auditor  
26 General.

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

20 (e) Method of source selection. When a contract is filed  
21 with the Comptroller under this Section, the Comptroller's  
22 file shall identify the method of source selection used in  
23 obtaining the contract.

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

25 Section 35. The State Prompt Payment Act is amended by

1 changing Sections 8 and 9 as follows:

2 (30 ILCS 540/8)

3 Sec. 8. Vendor Payment Program.

4 (a) As used in this Section:

5 "Applicant" means any entity seeking to be designated  
6 as a qualified purchaser.

7 "Application period" means the time period when the  
8 Program is accepting applications as determined by the  
9 Department of Central Management Services.

10 "Assigned penalties" means penalties payable by the  
11 State in accordance with this Act that are assigned to the  
12 qualified purchaser of an assigned receivable.

13 "Assigned receivable" means the base invoice amount of  
14 a qualified account receivable and any associated assigned  
15 penalties due, currently and in the future, in accordance  
16 with this Act.

17 "Assignment agreement" means an agreement executed and  
18 delivered by a participating vendor and a qualified  
19 purchaser, in which the participating vendor will assign  
20 one or more qualified accounts receivable to the qualified  
21 purchaser and make certain representations and warranties  
22 in respect thereof.

23 "Base invoice amount" means the unpaid principal  
24 amount of the invoice associated with an assigned  
25 receivable.

1           "Department" means the Department of Central  
2 Management Services.

3           "Medical assistance program" means any program which  
4 provides medical assistance under Article V of the  
5 Illinois Public Aid Code, including Medicaid.

6           "Participating vendor" means a vendor whose  
7 application for the sale of a qualified account receivable  
8 is accepted for purchase by a qualified purchaser under  
9 the Program terms.

10          "Program" means a Vendor Payment Program.

11          "Prompt payment penalties" means penalties payable by  
12 the State in accordance with this Act.

13          "Purchase price" means 100% of the base invoice amount  
14 associated with an assigned receivable minus: (1) any  
15 deductions against the assigned receivable arising from  
16 State offsets; and (2) if and to the extent exercised by a  
17 qualified purchaser, other deductions for amounts owed by  
18 the participating vendor to the qualified purchaser for  
19 State offsets applied against other accounts receivable  
20 assigned by the participating vendor to the qualified  
21 purchaser under the Program.

22          "Qualified account receivable" means an account  
23 receivable due and payable by the State that is  
24 outstanding for 90 days or more, is eligible to accrue  
25 prompt payment penalties under this Act and is verified by  
26 the relevant State agency. A qualified account receivable

1 shall not include any account receivable related to  
2 medical assistance program (including Medicaid) payments  
3 or any other accounts receivable, the transfer or  
4 assignment of which is prohibited by, or otherwise  
5 prevented by, applicable law.

6 "Qualified purchaser" means any entity that, during  
7 any application period, is approved by the Department of  
8 Central Management Services to participate in the Program  
9 on the basis of certain qualifying criteria as determined  
10 by the Department.

11 "State offsets" means any amount deducted from  
12 payments made by the State in respect of any qualified  
13 account receivable due to the State's exercise of any  
14 offset or other contractual rights against a participating  
15 vendor. For the purpose of this Section, "State offsets"  
16 include statutorily required administrative fees imposed  
17 under the State Comptroller Act.

18 "Sub-participant" means any individual or entity that  
19 intends to purchase assigned receivables, directly or  
20 indirectly, by or through an applicant or qualified  
21 purchaser for the purposes of the Program.

22 "Sub-participant certification" means an instrument  
23 executed and delivered to the Department of Central  
24 Management Services by a sub-participant, in which the  
25 sub-participant certifies its agreement, among others, to  
26 be bound by the terms and conditions of the Program as a

1 condition to its participation in the Program as a  
2 sub-participant.

3 (b) This Section reflects the provisions of Section  
4 900.125 of Title 74 of the Illinois Administrative Code prior  
5 to January 1, 2018. The requirements of this Section establish  
6 the criteria for participation by participating vendors and  
7 qualified purchasers in a Vendor Payment Program. Information  
8 regarding the Vendor Payment Program may be found at the  
9 Internet website for the Department of Central Management  
10 Services.

11 (c) The ~~State Comptroller and the~~ Department of Central  
12 Management Services is ~~are~~ authorized to establish and  
13 implement the Program under Section 3-3. This Section applies  
14 to all qualified accounts receivable not otherwise excluded  
15 from receiving prompt payment interest under Section 900.120  
16 of Title 74 of the Illinois Administrative Code. This Section  
17 shall not apply to the purchase of any accounts receivable  
18 related to payments made under a medical assistance program,  
19 including Medicaid payments, or any other purchase of accounts  
20 receivable that is otherwise prohibited by law.

21 (d) Under the Program, qualified purchasers may purchase  
22 from participating vendors certain qualified accounts  
23 receivable owed by the State to the participating vendors. A  
24 participating vendor shall not simultaneously apply to sell  
25 the same qualified account receivable to more than one  
26 qualified purchaser. In consideration of the payment of the



1 purchase price, a participating vendor shall assign to the  
2 qualified purchaser all of its rights to payment of the  
3 qualified account receivable, including all current and future  
4 prompt payment penalties due to that qualified account  
5 receivable in accordance with this Act.

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

7 (1) the vendor is owed an account receivable by the  
8 State for which prompt payment penalties have commenced  
9 accruing;

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

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

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

17 (f) The Department shall review and approve or disapprove  
18 each applicant seeking a qualified purchaser designation.  
19 Factors to be considered by the Department in determining  
20 whether an applicant shall be designated as a qualified  
21 purchaser include, but are not limited to, the following:

22 (1) the qualified purchaser's agreement to commit a  
23 minimum purchase amount as established from time to time  
24 by the Department based upon the current needs of the  
25 Program and the qualified purchaser's demonstrated ability  
26 to fund its commitment;

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

4           (3) the ability of a qualified purchaser and its  
5 sub-participants to meet standards of responsibility  
6 substantially in accordance with the requirements of the  
7 Standards of Responsibility found in subsection (b) of  
8 Section 1.2046 of Title 44 of the Illinois Administrative  
9 Code concerning government contracts, procurement, and  
10 property management;

11           (4) the agreement of each qualified purchaser, at its  
12 sole cost and expense, to administer and facilitate the  
13 operation of the Program with respect to that qualified  
14 purchaser, including, without limitation, assisting  
15 potential participating vendors with the application and  
16 assignment process;

17           (5) the agreement of each qualified purchaser, at its  
18 sole cost and expense, to establish a website that is  
19 determined by the Department to be sufficient to  
20 administer the Program in accordance with the terms and  
21 conditions of the Program;

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

25           (7) the agreement of each qualified purchaser, at its  
26 sole cost and expense, to educate participating vendors

1 about the benefits and risks associated with participation  
2 in the Program;

3 (8) the agreement of each qualified purchaser, at its  
4 sole cost and expense, to deposit funds into, release  
5 funds from, and otherwise maintain all required accounts  
6 in accordance with the terms and conditions of the  
7 Program. Subject to the Program terms, all required  
8 accounts shall be maintained and controlled by the  
9 qualified purchaser at the qualified purchaser's sole cost  
10 and at no cost, whether in the form of fees or otherwise,  
11 to the participating vendors;

12 (9) the agreement of each qualified purchaser, at its  
13 sole cost and expense, to submit a monthly written report,  
14 in an acceptable electronic format, to the State  
15 Comptroller or its designee and the Department or its  
16 designee, within 10 days after the end of each month,  
17 which, unless otherwise specified by the Department, at a  
18 minimum, shall contain:

19 (A) a listing of each assigned receivable  
20 purchased by that qualified purchaser during the  
21 month, specifying the base invoice amount and invoice  
22 date of that assigned receivable and the name of the  
23 participating vendor, State contract number, voucher  
24 number, and State agency associated with that assigned  
25 receivable;

26 (B) a listing of each assigned receivable with

1           respect to which the qualified purchaser has received  
2           payment of the base invoice amount from the State  
3           during that month, including the amount of and date on  
4           which that payment was made and the name of the  
5           participating vendor, State contract number, voucher  
6           number, and State agency associated with the assigned  
7           receivable, and identifying the relevant application  
8           period for each assigned receivable;

9           (C) a listing of any payments of assigned  
10          penalties received from the State during the month,  
11          including the amount of and date on which the payment  
12          was made, the name of the participating vendor, the  
13          voucher number for the assigned penalty receivable,  
14          and the associated assigned receivable, including the  
15          State contract number, voucher number, and State  
16          agency associated with the assigned receivable, and  
17          identifying the relevant application period for each  
18          assigned receivable;

19          (D) the aggregate number and dollar value of  
20          assigned receivables purchased by the qualified  
21          purchaser from the date on which that qualified  
22          purchaser commenced participating in the Program  
23          through the last day of the month;

24          (E) the aggregate number and dollar value of  
25          assigned receivables purchased by the qualified  
26          purchaser for which no payment by the State of the base

1 invoice amount has yet been received, from the date on  
2 which the qualified purchaser commenced participating  
3 in the Program through the last day of the month;

4 (F) the aggregate number and dollar value of  
5 invoices purchased by the qualified purchaser for  
6 which no voucher has been submitted; and

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

9 (10) the agreement of each qualified purchaser to use  
10 its reasonable best efforts, and for any sub-participant  
11 to cause a qualified purchaser to use its reasonable best  
12 efforts, to diligently pursue receipt of assigned  
13 penalties associated with the assigned receivables,  
14 including, without limitation, by promptly notifying the  
15 relevant State agency that an assigned penalty is due and,  
16 if necessary, seeking payment of assigned penalties  
17 through the Illinois Court of Claims; and

18 (11) the agreement of each qualified purchaser and any  
19 sub-participant to use their reasonable best efforts to  
20 implement the Program terms and to perform their  
21 obligations under the Program in a timely fashion.

22 (g) Each qualified purchaser's performance and  
23 implementation of its obligations under subsection (f) shall  
24 be subject to review by the Department and the State  
25 Comptroller at any time to confirm that the qualified  
26 purchaser is undertaking those obligations in a manner

1 consistent with the terms and conditions of the Program. A  
2 qualified purchaser's failure to so perform its obligations  
3 including, without limitation, its obligations to diligently  
4 pursue receipt of assigned penalties associated with assigned  
5 receivables, shall be grounds for the Department and the State  
6 Comptroller to terminate the qualified purchaser's  
7 participation in the Program under subsection (i). Any such  
8 termination shall be without prejudice to any rights a  
9 participating vendor may have against that qualified  
10 purchaser, in law or in equity, including, without limitation,  
11 the right to enforce the terms of the assignment agreement and  
12 of the Program against the qualified purchaser.

13 (h) In determining whether any applicant shall be  
14 designated as a qualified purchaser, the Department shall have  
15 the right to review or approve sub-participants that intend to  
16 purchase assigned receivables, directly or indirectly, by or  
17 through the applicant. The Department reserves the right to  
18 reject or terminate the designation of any applicant as a  
19 qualified purchaser or require an applicant to exclude a  
20 proposed sub-participant in order to become or remain a  
21 qualified purchaser on the basis of a review, whether prior to  
22 or after the designation. Each applicant and each qualified  
23 purchaser has an affirmative obligation to promptly notify the  
24 Department of any change or proposed change in the identity of  
25 the sub-participants that it disclosed to the Department no  
26 later than 3 business days after that change. Each

1 sub-participant shall be required to execute a sub-participant  
2 certification that will be attached to the corresponding  
3 qualified purchaser designation. Sub-participants shall meet,  
4 at a minimum, the requirements of paragraphs (2), (3), (10),  
5 and (11) of subsection (f).

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

8 (1) The Program may be terminated or suspended: (A) by  
9 the State Comptroller, after consulting with the  
10 Department, by giving 10 days prior written notice to the  
11 Department and the qualified purchasers in the Program; or  
12 (B) by the Department, after consulting with the State  
13 Comptroller, by giving 10 days prior written notice to the  
14 State Comptroller and the qualified purchasers in the  
15 Program.

16 (2) In the event a qualified purchaser or  
17 sub-participant breaches or fails to meet any of the terms  
18 or conditions of the Program, that qualified purchaser or  
19 sub-participant may be terminated from the Program: (A) by  
20 the State Comptroller, after consulting with the  
21 Department. The termination shall be effective immediately  
22 upon the State Comptroller giving written notice to the  
23 Department and the qualified purchaser or sub-participant;  
24 or (B) by the Department, after consulting with the State  
25 Comptroller. The termination shall be effective  
26 immediately upon the Department giving written notice to

1 the State Comptroller and the qualified purchaser or  
2 sub-participant.

3 (3) A qualified purchaser or sub-participant may  
4 terminate its participation in the Program, solely with  
5 respect to its own participation in the Program, in the  
6 event of any change to this Act from the form that existed  
7 on the date that the qualified purchaser or the  
8 sub-participant, as applicable, submitted the necessary  
9 documentation for admission into the Program if the change  
10 materially and adversely affects the qualified purchaser's  
11 or the sub-participant's ability to purchase and receive  
12 payment on receivables on the terms described in this  
13 Section.

14 If the Program, a qualified purchaser, or a  
15 sub-participant is terminated or suspended under paragraph (1)  
16 or (2) of this subsection (i), the Program, qualified  
17 purchaser, or sub-participant may be reinstated only by  
18 written agreement of the State Comptroller and the Department.  
19 No termination or suspension under paragraph (1), (2), or (3)  
20 of this subsection (i) shall alter or affect the qualified  
21 purchaser's or sub-participant's obligations with respect to  
22 assigned receivables purchased by or through the qualified  
23 purchaser prior to the termination.

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



1           Sec. 9. Vendor Payment Program financial backer  
2 disclosure.

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

13           (1) percent ownership;

14           (2) type of ownership;

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

17           (4) mailing address;

18           (5) type of business entity, if applicable;

19           (6) dates and jurisdiction of business formation or  
20 incorporation, if applicable;

21           (7) names of controlling shareholders, class of stock,  
22 percentage ownership;

23           (8) any indirect earnings resulting from the Program;

24 and

25           (9) any earnings associated with the Program to any  
26 parties not previously disclosed.

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

8 (1) names, addresses, dates of birth, and percentages  
9 of interest of all beneficiaries;

10 (2) any indirect earnings resulting from the Program;  
11 and

12 (3) any earnings associated with the Program to any  
13 parties not previously disclosed.

14 (c) Each qualified purchaser must submit a statement to  
15 the State Comptroller and the Department of Central Management  
16 Services disclosing whether such qualified purchaser or any  
17 related person, director, owner, officer, or financial backer  
18 has previously or currently retained or contracted with any  
19 registered lobbyist, lawyer, accountant, or other consultant  
20 to prepare the disclosure required under this Section.

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

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

24 (35 ILCS 200/30-31)

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

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

14           Section 99. Effective date. This Act takes effect upon  
15 becoming law."