



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0972

Introduced 2/3/2005, by Rep. Kurt M. Granberg

SYNOPSIS AS INTRODUCED:

New Act

15 ILCS 20/50-10

30 ILCS 105/25

was 15 ILCS 20/38.1

from Ch. 127, par. 161

Creates the Capital Project Continuing Appropriation Act. Provides a continuing appropriation from the General Revenue Fund for certain capital projects that have been begun or authorized but are not funded in the State budget as it becomes law. Requires certification of the amount of the continuing appropriation by the Governor's Office of Management and Budget. Authorizes GOMB to direct reimbursement of the General Revenue Fund from other sources of funding that may become available. Amends the State Budget Law to require the Governor to include in the proposed budget funding for certain ongoing and newly authorized capital projects. Amends the State Finance Act to provide that appropriations and reappropriations for capital projects are not subject to single fiscal year limitations. Effective July 1, 2005.

LRB094 08300 EFG 38492 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning appropriations for capital projects.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Capital Project Continuing Appropriation Act.

6 Section 5. Continuing appropriation for capital projects.

7 (a) Beginning July 1, 2005, with respect to each ongoing
8 capital project for which funding is not included in the State
9 budget for a fiscal year and is not otherwise available, there
10 is hereby appropriated, on a continuing annual basis, from the
11 General Revenue Fund to the Capital Development Board or such
12 other State agency as is responsible for the construction of
13 that capital project, the amount that is necessary in that
14 fiscal year to make reasonable and substantial progress on that
15 capital project.

16 (b) Beginning July 1, 2006, with respect to each new
17 capital project for which the Governor is required to include
18 funding in the proposed budget for a fiscal year in accordance
19 with Section 50-10 of the State Budget Law, but for which
20 funding is not included in the budget as it becomes law for
21 that fiscal year and is not otherwise available, there is
22 hereby appropriated, on a continuing annual basis, from the
23 General Revenue Fund to the Capital Development Board or such
24 other State agency as is responsible for the construction of
25 that capital project, the amount that is necessary in that
26 fiscal year to make reasonable and substantial progress on that
27 capital project.

28 (c) For the purposes of this Section, funding for a capital
29 project shall be deemed to be not included in the budget if (1)
30 an amount is not specified for that project in the budget as it
31 becomes law, or (2) an amount is specified for that project,
32 but the amount is insufficient to make reasonable and

1 substantial progress on the project during the fiscal year.

2 (d) Upon the request of the Comptroller, the Governor's
3 Office of Management and Budget, in cooperation with the
4 Capital Development Board and the Commission on Government
5 Forecasting and Accountability, shall review and report on the
6 relevant appropriations and authorizations for a new or ongoing
7 capital project and determine the amount of continuing
8 appropriation that is available under this Section for the
9 designated capital project in the designated fiscal year.

10 The amount of continuing appropriation available for a
11 capital project under this Section shall be the amount which,
12 together with any funding otherwise available for the project,
13 is necessary to make reasonable and substantial progress on the
14 project during the fiscal year, taking into account any
15 existing design parameters, authorizations, and cost
16 projections and reasonable scheduling constraints. The amount
17 of continuing appropriation available for a capital project
18 under this Section shall not be based on any expansion of the
19 scope of the project beyond the original design parameters,
20 authorizations, or cost projections for the project.

21 (e) A continuing appropriation under this Section does not
22 become available, and the State Comptroller shall not authorize
23 the obligation or expenditure of any funds pursuant to a
24 continuing appropriation under this Section, until the amount
25 of the continuing appropriation that is available under this
26 Section for that project in that fiscal year has been
27 determined and certified to the Comptroller by the Governor's
28 Office of Management and Budget. The State Comptroller shall
29 not authorize the obligation or expenditure of any funds
30 pursuant to a continuing appropriation under this Section in
31 excess of the amount of the continuing appropriation that is
32 available under this Section for that project in that fiscal
33 year as certified to the Comptroller by the Governor's Office
34 of Management and Budget.

35 The funding that is otherwise available for a capital
36 project must be used before the continuing appropriation under

1 this Section. Funding that is otherwise available includes,
2 without limitation: (i) any amount remaining available from an
3 appropriation or reappropriation for the project from a
4 previous fiscal year; (ii) any amount for the project that has
5 been included within the budget for the fiscal year for which
6 the continuing appropriation is sought, but that is alone
7 insufficient to make reasonable and substantial progress on the
8 project during the fiscal year; and (iii) any amount available
9 under an appropriation for a class of capital projects that
10 includes the project at issue but does not apply to it
11 exclusively, to the extent that the appropriation has not been
12 obligated or allocated to one or more other projects of the
13 same class.

14 (f) If funding from a source other than the General Revenue
15 Fund becomes available for a capital project for which a
16 continuing appropriation under this Section has already been
17 used, the Director of the Governor's Office of Management and
18 Budget may direct the State Comptroller and Treasurer to
19 transfer from that other source into the General Revenue Fund
20 an amount not exceeding the amount of the continuing
21 appropriation that was used.

22 Section 90. The State Budget Law of the Civil
23 Administrative Code of Illinois is amended by changing Section
24 50-10 as follows:

25 (15 ILCS 20/50-10) (was 15 ILCS 20/38.1)

26 Sec. 50-10. Budget contents. The budget shall be submitted
27 by the Governor with line item and program data. The budget
28 shall also contain performance data presenting an estimate for
29 the current fiscal year, projections for the budget year, and
30 information for the 3 prior fiscal years comparing department
31 objectives with actual accomplishments, formulated according
32 to the various functions and activities, and, wherever the
33 nature of the work admits, according to the work units, for
34 which the respective departments, offices, and institutions of

1 the State government (including the elective officers in the
2 executive department and including the University of Illinois
3 and the judicial department) are responsible.

4 For the fiscal year beginning July 1, 1992 and for each
5 fiscal year thereafter, the budget shall include the
6 performance measures of each department's accountability
7 report.

8 For the fiscal year beginning July 1, 1997 and for each
9 fiscal year thereafter, the budget shall include one or more
10 line items appropriating moneys to the Department of Human
11 Services to fund participation in the Home-Based Support
12 Services Program for Mentally Disabled Adults under the
13 Developmental Disability and Mental Disability Services Act by
14 persons described in Section 2-17 of that Act.

15 The budget shall contain a capital development section in
16 which the Governor will present (1) information on the capital
17 projects and capital programs for which appropriations are
18 requested, (2) the capital spending plans, which shall document
19 the first and subsequent years cash requirements by fund for
20 the proposed bonded program, and (3) a statement that shall
21 identify by year the principal and interest costs until
22 retirement of the State's general obligation debt. In addition,
23 the principal and interest costs of the budget year program
24 shall be presented separately, to indicate the marginal cost of
25 principal and interest payments necessary to retire the
26 additional bonds needed to finance the budget year's capital
27 program. Beginning in the budget submitted for the fiscal year
28 beginning July 1, 2006, the budget submitted by the Governor
29 must include (i) funding for making reasonable and substantial
30 progress on all ongoing capital projects begun in a previous
31 fiscal year and (ii) funding for making reasonable and
32 substantial progress on all new capital projects that the
33 Governor, the Capital Development Board, or any other executive
34 branch agency under the control of the Governor has authorized
35 to be begun during the fiscal year for which the proposed
36 budget is submitted. In 2004 only, the capital development

1 section of the State budget shall be submitted by the Governor
2 not later than the fourth Tuesday of March (March 23, 2004).

3 For the budget year, the current year, and 3 prior fiscal
4 years, the Governor shall also include in the budget estimates
5 of or actual values for the assets and liabilities for General
6 Assembly Retirement System, State Employees' Retirement System
7 of Illinois, State Universities Retirement System, Teachers'
8 Retirement System of the State of Illinois, and Judges
9 Retirement System of Illinois.

10 The budget submitted by the Governor shall contain, in
11 addition, in a separate book, a tabulation of all position and
12 employment titles in each such department, office, and
13 institution, the number of each, and the salaries for each,
14 formulated according to divisions, bureaus, sections, offices,
15 departments, boards, and similar subdivisions, which shall
16 correspond as nearly as practicable to the functions and
17 activities for which the department, office, or institution is
18 responsible.

19 Together with the budget, the Governor shall transmit the
20 estimates of receipts and expenditures, as received by the
21 Director of the Governor's Office of Management and Budget, of
22 the elective officers in the executive and judicial departments
23 and of the University of Illinois.

24 (Source: P.A. 93-662, eff. 2-11-04.)

25 Section 95. The State Finance Act is amended by changing
26 Section 25 as follows:

27 (30 ILCS 105/25) (from Ch. 127, par. 161)

28 Sec. 25. Fiscal year limitations; lapse period;
29 exceptions.

30 (a) Except as otherwise provided in this Act, all ~~All~~
31 appropriations shall be available for expenditure for the
32 fiscal year or for a lesser period if the Act making that
33 appropriation so specifies. A deficiency or emergency
34 appropriation shall be available for expenditure only through

1 June 30 of the year when the Act making that appropriation is
2 enacted unless that Act otherwise provides.

3 (b) Outstanding liabilities as of June 30, payable from
4 appropriations which have otherwise expired, may be paid out of
5 the expiring appropriations during the 2-month period ending at
6 the close of business on August 31. Any service involving
7 professional or artistic skills or any personal services by an
8 employee whose compensation is subject to income tax
9 withholding must be performed as of June 30 of the fiscal year
10 in order to be considered an "outstanding liability as of June
11 30" that is thereby eligible for payment out of the expiring
12 appropriation.

13 However, payment of tuition reimbursement claims under
14 Section 14-7.03 or 18-3 of the School Code may be made by the
15 State Board of Education from its appropriations for those
16 respective purposes for any fiscal year, even though the claims
17 reimbursed by the payment may be claims attributable to a prior
18 fiscal year, and payments may be made at the direction of the
19 State Superintendent of Education from the fund from which the
20 appropriation is made without regard to any fiscal year
21 limitations.

22 Medical payments may be made by the Department of Veterans'
23 Affairs from its appropriations for those purposes for any
24 fiscal year, without regard to the fact that the medical
25 services being compensated for by such payment may have been
26 rendered in a prior fiscal year.

27 Medical payments may be made by the Department of Public
28 Aid and medical payments and child care payments may be made by
29 the Department of Human Services (as successor to the
30 Department of Public Aid) from appropriations for those
31 purposes for any fiscal year, without regard to the fact that
32 the medical or child care services being compensated for by
33 such payment may have been rendered in a prior fiscal year; and
34 payments may be made at the direction of the Department of
35 Central Management Services from the Health Insurance Reserve
36 Fund and the Local Government Health Insurance Reserve Fund

1 without regard to any fiscal year limitations.

2 Medical payments may be made by the Department of Human
3 Services from its appropriations relating to substance abuse
4 treatment services for any fiscal year, without regard to the
5 fact that the medical services being compensated for by such
6 payment may have been rendered in a prior fiscal year, provided
7 the payments are made on a fee-for-service basis consistent
8 with requirements established for Medicaid reimbursement by
9 the Department of Public Aid.

10 Additionally, payments may be made by the Department of
11 Human Services from its appropriations, or any other State
12 agency from its appropriations with the approval of the
13 Department of Human Services, from the Immigration Reform and
14 Control Fund for purposes authorized pursuant to the
15 Immigration Reform and Control Act of 1986, without regard to
16 any fiscal year limitations.

17 Further, with respect to costs incurred in fiscal years
18 2002 and 2003 only, payments may be made by the State Treasurer
19 from its appropriations from the Capital Litigation Trust Fund
20 without regard to any fiscal year limitations.

21 Lease payments may be made by the Department of Central
22 Management Services under the sale and leaseback provisions of
23 Section 7.4 of the State Property Control Act with respect to
24 the James R. Thompson Center and the Elgin Mental Health Center
25 and surrounding land from appropriations for that purpose
26 without regard to any fiscal year limitations.

27 Lease payments may be made under the sale and leaseback
28 provisions of Section 7.5 of the State Property Control Act
29 with respect to the Illinois State Toll Highway Authority
30 headquarters building and surrounding land without regard to
31 any fiscal year limitations.

32 (c) Further, payments may be made by the Department of
33 Public Health and the Department of Human Services (acting as
34 successor to the Department of Public Health under the
35 Department of Human Services Act) from their respective
36 appropriations for grants for medical care to or on behalf of

1 persons suffering from chronic renal disease, persons
2 suffering from hemophilia, rape victims, and premature and
3 high-mortality risk infants and their mothers and for grants
4 for supplemental food supplies provided under the United States
5 Department of Agriculture Women, Infants and Children
6 Nutrition Program, for any fiscal year without regard to the
7 fact that the services being compensated for by such payment
8 may have been rendered in a prior fiscal year.

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

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

35 (f) The Department of Human Services (as successor to the
36 Department of Public Aid) shall annually submit to the State

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

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

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

17 (2) Factors affecting the Department of Public Aid's
18 liabilities, including but not limited to numbers of aid
19 recipients, levels of medical service utilization by aid
20 recipients, and inflation in the cost of medical services.

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

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

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

31 (1) billing user agencies in advance for payments or
32 authorized inter-fund transfers based on estimated charges
33 for goods or services;

34 (2) issuing credits, refunding through inter-fund
35 transfers, or reducing future inter-fund transfers during
36 the subsequent fiscal year for all user agency payments or

1 authorized inter-fund transfers received during the prior
2 fiscal year which were in excess of the final amounts owed
3 by the user agency for that period; and

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

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

17 (j) An appropriation or reappropriation for a capital
18 project is not subject to fiscal year limitations,
19 notwithstanding any language in the appropriation Act that
20 characterizes the appropriation or reappropriation as being
21 for a particular fiscal year and notwithstanding subsections
22 (a) and (b) of this Section. Amounts included in an
23 appropriation or reappropriation for a capital project that
24 remain unobligated or unexpended at the end of a fiscal year
25 may be obligated and expended in subsequent fiscal years
26 without reappropriation, but only for the purpose provided in
27 the original appropriation. If the original appropriation
28 required gubernatorial or other approval before expenditure,
29 that approval, once given, continues in effect for that
30 appropriation during subsequent fiscal years and need not be
31 renewed. This subsection does not apply to continuing
32 appropriations under the Capital Project Continuing
33 Appropriation Act.

34 (Source: P.A. 92-885, eff. 1-13-03; 93-19, eff. 6-20-03;
35 93-839, eff. 7-30-04; 93-841, eff. 7-30-04; revised 10-25-04.)

1 Section 99. Effective date. This Act takes effect July 1,
2 2005.