

SB2937



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2937

Introduced 2/18/2016, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

30 ILCS 105/13.2

from Ch. 127, par. 149.2

Amends the State Finance Act. Provides that any agency receiving less than \$10,000,000 in any fiscal year in funding from the General Revenue Fund for operations may transfer amounts among its respective appropriations contained in operational line items within the same treasury fund. Provides that the transfers may be made in an amount not to exceed 4% of the aggregate amount appropriated to the agency within the same treasury fund. Defines "agency". Effective immediately.

LRB099 19054 MLM 43443 b

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The State Finance Act is amended by changing
5 Section 13.2 as follows:

6 (30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

7 Sec. 13.2. Transfers among line item appropriations.

8 (a) Transfers among line item appropriations from the same
9 treasury fund for the objects specified in this Section may be
10 made in the manner provided in this Section when the balance
11 remaining in one or more such line item appropriations is
12 insufficient for the purpose for which the appropriation was
13 made.

14 (a-1) No transfers may be made from one agency to another
15 agency, nor may transfers be made from one institution of
16 higher education to another institution of higher education
17 except as provided by subsection (a-4).

18 (a-2) Except as otherwise provided in this Section,
19 transfers may be made only among the objects of expenditure
20 enumerated in this Section, except that no funds may be
21 transferred from any appropriation for personal services, from
22 any appropriation for State contributions to the State
23 Employees' Retirement System, from any separate appropriation

1 for employee retirement contributions paid by the employer, nor
2 from any appropriation for State contribution for employee
3 group insurance. During State fiscal year 2005, an agency may
4 transfer amounts among its appropriations within the same
5 treasury fund for personal services, employee retirement
6 contributions paid by employer, and State Contributions to
7 retirement systems; notwithstanding and in addition to the
8 transfers authorized in subsection (c) of this Section, the
9 fiscal year 2005 transfers authorized in this sentence may be
10 made in an amount not to exceed 2% of the aggregate amount
11 appropriated to an agency within the same treasury fund. During
12 State fiscal year 2007, the Departments of Children and Family
13 Services, Corrections, Human Services, and Juvenile Justice
14 may transfer amounts among their respective appropriations
15 within the same treasury fund for personal services, employee
16 retirement contributions paid by employer, and State
17 contributions to retirement systems. During State fiscal year
18 2010, the Department of Transportation may transfer amounts
19 among their respective appropriations within the same treasury
20 fund for personal services, employee retirement contributions
21 paid by employer, and State contributions to retirement
22 systems. During State fiscal years 2010 and 2014 only, an
23 agency may transfer amounts among its respective
24 appropriations within the same treasury fund for personal
25 services, employee retirement contributions paid by employer,
26 and State contributions to retirement systems.

1 Notwithstanding, and in addition to, the transfers authorized
2 in subsection (c) of this Section, these transfers may be made
3 in an amount not to exceed 2% of the aggregate amount
4 appropriated to an agency within the same treasury fund.

5 (a-2.5) During State fiscal year 2015 only, the State's
6 Attorneys Appellate Prosecutor may transfer amounts among its
7 respective appropriations contained in operational line items
8 within the same treasury fund. Notwithstanding, and in addition
9 to, the transfers authorized in subsection (c) of this Section,
10 these transfers may be made in an amount not to exceed 4% of
11 the aggregate amount appropriated to the State's Attorneys
12 Appellate Prosecutor within the same treasury fund.

13 (a-2.7) Any agency receiving less than \$10,000,000 in any
14 fiscal year in funding from the General Revenue Fund for
15 operations may transfer amounts among its respective
16 appropriations contained in operational line items within the
17 same treasury fund. Notwithstanding, and in addition to, the
18 transfers authorized in subsection (c) of this Section, these
19 transfers may be made in an amount not to exceed 4% of the
20 aggregate amount appropriated to the agency within the same
21 treasury fund.

22 For the purposes of this subsection (a-2.7), "agency" means
23 all officers, boards, commissions and agencies created by the
24 Constitution, whether in the executive, legislative or
25 judicial branch, but other than the circuit court; all
26 officers, departments, boards, commissions, agencies,

1 institutions, authorities, universities, bodies politic and
2 corporate of the State; and administrative units or corporate
3 outgrowths of the State government which are created by or
4 pursuant to statute, other than units of local government and
5 their officers, school districts and boards of election
6 commissioners; all administrative units and corporate
7 outgrowths of the above and as may be created by executive
8 order of the Governor.

9 (a-3) Further, if an agency receives a separate
10 appropriation for employee retirement contributions paid by
11 the employer, any transfer by that agency into an appropriation
12 for personal services must be accompanied by a corresponding
13 transfer into the appropriation for employee retirement
14 contributions paid by the employer, in an amount sufficient to
15 meet the employer share of the employee contributions required
16 to be remitted to the retirement system.

17 (a-4) Long-Term Care Rebalancing. The Governor may
18 designate amounts set aside for institutional services
19 appropriated from the General Revenue Fund or any other State
20 fund that receives monies for long-term care services to be
21 transferred to all State agencies responsible for the
22 administration of community-based long-term care programs,
23 including, but not limited to, community-based long-term care
24 programs administered by the Department of Healthcare and
25 Family Services, the Department of Human Services, and the
26 Department on Aging, provided that the Director of Healthcare

1 and Family Services first certifies that the amounts being
2 transferred are necessary for the purpose of assisting persons
3 in or at risk of being in institutional care to transition to
4 community-based settings, including the financial data needed
5 to prove the need for the transfer of funds. The total amounts
6 transferred shall not exceed 4% in total of the amounts
7 appropriated from the General Revenue Fund or any other State
8 fund that receives monies for long-term care services for each
9 fiscal year. A notice of the fund transfer must be made to the
10 General Assembly and posted at a minimum on the Department of
11 Healthcare and Family Services website, the Governor's Office
12 of Management and Budget website, and any other website the
13 Governor sees fit. These postings shall serve as notice to the
14 General Assembly of the amounts to be transferred. Notice shall
15 be given at least 30 days prior to transfer.

16 (b) In addition to the general transfer authority provided
17 under subsection (c), the following agencies have the specific
18 transfer authority granted in this subsection:

19 The Department of Healthcare and Family Services is
20 authorized to make transfers representing savings attributable
21 to not increasing grants due to the births of additional
22 children from line items for payments of cash grants to line
23 items for payments for employment and social services for the
24 purposes outlined in subsection (f) of Section 4-2 of the
25 Illinois Public Aid Code.

26 The Department of Children and Family Services is

1 authorized to make transfers not exceeding 2% of the aggregate
2 amount appropriated to it within the same treasury fund for the
3 following line items among these same line items: Foster Home
4 and Specialized Foster Care and Prevention, Institutions and
5 Group Homes and Prevention, and Purchase of Adoption and
6 Guardianship Services.

7 The Department on Aging is authorized to make transfers not
8 exceeding 2% of the aggregate amount appropriated to it within
9 the same treasury fund for the following Community Care Program
10 line items among these same line items: purchase of services
11 covered by the Community Care Program and Comprehensive Case
12 Coordination.

13 The State Treasurer is authorized to make transfers among
14 line item appropriations from the Capital Litigation Trust
15 Fund, with respect to costs incurred in fiscal years 2002 and
16 2003 only, when the balance remaining in one or more such line
17 item appropriations is insufficient for the purpose for which
18 the appropriation was made, provided that no such transfer may
19 be made unless the amount transferred is no longer required for
20 the purpose for which that appropriation was made.

21 The State Board of Education is authorized to make
22 transfers from line item appropriations within the same
23 treasury fund for General State Aid and General State Aid -
24 Hold Harmless, provided that no such transfer may be made
25 unless the amount transferred is no longer required for the
26 purpose for which that appropriation was made, to the line item

1 appropriation for Transitional Assistance when the balance
2 remaining in such line item appropriation is insufficient for
3 the purpose for which the appropriation was made.

4 The State Board of Education is authorized to make
5 transfers between the following line item appropriations
6 within the same treasury fund: Disabled Student
7 Services/Materials (Section 14-13.01 of the School Code),
8 Disabled Student Transportation Reimbursement (Section
9 14-13.01 of the School Code), Disabled Student Tuition -
10 Private Tuition (Section 14-7.02 of the School Code),
11 Extraordinary Special Education (Section 14-7.02b of the
12 School Code), Reimbursement for Free Lunch/Breakfast Program,
13 Summer School Payments (Section 18-4.3 of the School Code), and
14 Transportation - Regular/Vocational Reimbursement (Section
15 29-5 of the School Code). Such transfers shall be made only
16 when the balance remaining in one or more such line item
17 appropriations is insufficient for the purpose for which the
18 appropriation was made and provided that no such transfer may
19 be made unless the amount transferred is no longer required for
20 the purpose for which that appropriation was made.

21 The Department of Healthcare and Family Services is
22 authorized to make transfers not exceeding 4% of the aggregate
23 amount appropriated to it, within the same treasury fund, among
24 the various line items appropriated for Medical Assistance.

25 (c) The sum of such transfers for an agency in a fiscal
26 year shall not exceed 2% of the aggregate amount appropriated

1 to it within the same treasury fund for the following objects:
2 Personal Services; Extra Help; Student and Inmate
3 Compensation; State Contributions to Retirement Systems; State
4 Contributions to Social Security; State Contribution for
5 Employee Group Insurance; Contractual Services; Travel;
6 Commodities; Printing; Equipment; Electronic Data Processing;
7 Operation of Automotive Equipment; Telecommunications
8 Services; Travel and Allowance for Committed, Paroled and
9 Discharged Prisoners; Library Books; Federal Matching Grants
10 for Student Loans; Refunds; Workers' Compensation,
11 Occupational Disease, and Tort Claims; and, in appropriations
12 to institutions of higher education, Awards and Grants.
13 Notwithstanding the above, any amounts appropriated for
14 payment of workers' compensation claims to an agency to which
15 the authority to evaluate, administer and pay such claims has
16 been delegated by the Department of Central Management Services
17 may be transferred to any other expenditure object where such
18 amounts exceed the amount necessary for the payment of such
19 claims.

20 (c-1) Special provisions for State fiscal year 2003.
21 Notwithstanding any other provision of this Section to the
22 contrary, for State fiscal year 2003 only, transfers among line
23 item appropriations to an agency from the same treasury fund
24 may be made provided that the sum of such transfers for an
25 agency in State fiscal year 2003 shall not exceed 3% of the
26 aggregate amount appropriated to that State agency for State

1 fiscal year 2003 for the following objects: personal services,
2 except that no transfer may be approved which reduces the
3 aggregate appropriations for personal services within an
4 agency; extra help; student and inmate compensation; State
5 contributions to retirement systems; State contributions to
6 social security; State contributions for employee group
7 insurance; contractual services; travel; commodities;
8 printing; equipment; electronic data processing; operation of
9 automotive equipment; telecommunications services; travel and
10 allowance for committed, paroled, and discharged prisoners;
11 library books; federal matching grants for student loans;
12 refunds; workers' compensation, occupational disease, and tort
13 claims; and, in appropriations to institutions of higher
14 education, awards and grants.

15 (c-2) Special provisions for State fiscal year 2005.
16 Notwithstanding subsections (a), (a-2), and (c), for State
17 fiscal year 2005 only, transfers may be made among any line
18 item appropriations from the same or any other treasury fund
19 for any objects or purposes, without limitation, when the
20 balance remaining in one or more such line item appropriations
21 is insufficient for the purpose for which the appropriation was
22 made, provided that the sum of those transfers by a State
23 agency shall not exceed 4% of the aggregate amount appropriated
24 to that State agency for fiscal year 2005.

25 (c-3) Special provisions for State fiscal year 2015.
26 Notwithstanding any other provision of this Section, for State

1 fiscal year 2015, transfers among line item appropriations to a
2 State agency from the same State treasury fund may be made for
3 operational or lump sum expenses only, provided that the sum of
4 such transfers for a State agency in State fiscal year 2015
5 shall not exceed 4% of the aggregate amount appropriated to
6 that State agency for operational or lump sum expenses for
7 State fiscal year 2015. For the purpose of this subsection,
8 "operational or lump sum expenses" includes the following
9 objects: personal services; extra help; student and inmate
10 compensation; State contributions to retirement systems; State
11 contributions to social security; State contributions for
12 employee group insurance; contractual services; travel;
13 commodities; printing; equipment; electronic data processing;
14 operation of automotive equipment; telecommunications
15 services; travel and allowance for committed, paroled, and
16 discharged prisoners; library books; federal matching grants
17 for student loans; refunds; workers' compensation,
18 occupational disease, and tort claims; lump sum and other
19 purposes; and lump sum operations. For the purpose of this
20 subsection (c-3), "State agency" does not include the Attorney
21 General, the Secretary of State, the Comptroller, the
22 Treasurer, or the legislative or judicial branches.

23 (d) Transfers among appropriations made to agencies of the
24 Legislative and Judicial departments and to the
25 constitutionally elected officers in the Executive branch
26 require the approval of the officer authorized in Section 10 of

1 this Act to approve and certify vouchers. Transfers among
2 appropriations made to the University of Illinois, Southern
3 Illinois University, Chicago State University, Eastern
4 Illinois University, Governors State University, Illinois
5 State University, Northeastern Illinois University, Northern
6 Illinois University, Western Illinois University, the Illinois
7 Mathematics and Science Academy and the Board of Higher
8 Education require the approval of the Board of Higher Education
9 and the Governor. Transfers among appropriations to all other
10 agencies require the approval of the Governor.

11 The officer responsible for approval shall certify that the
12 transfer is necessary to carry out the programs and purposes
13 for which the appropriations were made by the General Assembly
14 and shall transmit to the State Comptroller a certified copy of
15 the approval which shall set forth the specific amounts
16 transferred so that the Comptroller may change his records
17 accordingly. The Comptroller shall furnish the Governor with
18 information copies of all transfers approved for agencies of
19 the Legislative and Judicial departments and transfers
20 approved by the constitutionally elected officials of the
21 Executive branch other than the Governor, showing the amounts
22 transferred and indicating the dates such changes were entered
23 on the Comptroller's records.

24 (e) The State Board of Education, in consultation with the
25 State Comptroller, may transfer line item appropriations for
26 General State Aid between the Common School Fund and the

1 Education Assistance Fund. With the advice and consent of the
2 Governor's Office of Management and Budget, the State Board of
3 Education, in consultation with the State Comptroller, may
4 transfer line item appropriations between the General Revenue
5 Fund and the Education Assistance Fund for the following
6 programs:

7 (1) Disabled Student Personnel Reimbursement (Section
8 14-13.01 of the School Code);

9 (2) Disabled Student Transportation Reimbursement
10 (subsection (b) of Section 14-13.01 of the School Code);

11 (3) Disabled Student Tuition - Private Tuition
12 (Section 14-7.02 of the School Code);

13 (4) Extraordinary Special Education (Section 14-7.02b
14 of the School Code);

15 (5) Reimbursement for Free Lunch/Breakfast Programs;

16 (6) Summer School Payments (Section 18-4.3 of the
17 School Code);

18 (7) Transportation - Regular/Vocational Reimbursement
19 (Section 29-5 of the School Code);

20 (8) Regular Education Reimbursement (Section 18-3 of
21 the School Code); and

22 (9) Special Education Reimbursement (Section 14-7.03
23 of the School Code).

24 (Source: P.A. 98-24, eff. 6-19-13; 98-674, eff. 6-30-14; 99-2,
25 eff. 3-26-15.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.