



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3609

Introduced 2/11/2010, by Sen. Deanna Demuzio

SYNOPSIS AS INTRODUCED:

30 ILCS 105/13.2
105 ILCS 5/3-2.5

from Ch. 127, par. 149.2

Amends the State Finance Act and the School Code. Provides that the State Board of Education, in consultation with the State Comptroller, may transfer line item appropriations for General State Aid between the Common School Fund and the Education Assistance Fund (instead of from the Common School Fund to the Education Assistance Fund). Removes the requirement that the salaries for regional superintendents and assistant regional superintendents of schools be payable from the Common School Fund. Effective immediately.

LRB096 18683 NHT 34067 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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 (a-2) Except as otherwise provided in this Section,
18 transfers may be made only among the objects of expenditure
19 enumerated in this Section, except that no funds may be
20 transferred from any appropriation for personal services, from
21 any appropriation for State contributions to the State
22 Employees' Retirement System, from any separate appropriation
23 for employee retirement contributions paid by the employer, nor

1 from any appropriation for State contribution for employee
2 group insurance. During State fiscal year 2005, an agency may
3 transfer amounts among its appropriations within the same
4 treasury fund for personal services, employee retirement
5 contributions paid by employer, and State Contributions to
6 retirement systems; notwithstanding and in addition to the
7 transfers authorized in subsection (c) of this Section, the
8 fiscal year 2005 transfers authorized in this sentence may be
9 made in an amount not to exceed 2% of the aggregate amount
10 appropriated to an agency within the same treasury fund. During
11 State fiscal year 2007, the Departments of Children and Family
12 Services, Corrections, Human Services, and Juvenile Justice
13 may transfer amounts among their respective appropriations
14 within the same treasury fund for personal services, employee
15 retirement contributions paid by employer, and State
16 contributions to retirement systems. During State fiscal year
17 2010, the Department of Transportation may transfer amounts
18 among their respective appropriations within the same treasury
19 fund for personal services, employee retirement contributions
20 paid by employer, and State contributions to retirement
21 systems. During State fiscal year 2010 only, an agency may
22 transfer amounts among its respective appropriations within
23 the same treasury fund for personal services, employee
24 retirement contributions paid by employer, and State
25 contributions to retirement systems. Notwithstanding, and in
26 addition to, the transfers authorized in subsection (c) of this

1 Section, these transfers may be made in an amount not to exceed
2 2% of the aggregate amount appropriated to an agency within the
3 same treasury fund.

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

12 (b) In addition to the general transfer authority provided
13 under subsection (c), the following agencies have the specific
14 transfer authority granted in this subsection:

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

22 The Department of Children and Family Services is
23 authorized to make transfers not exceeding 2% of the aggregate
24 amount appropriated to it within the same treasury fund for the
25 following line items among these same line items: Foster Home
26 and Specialized Foster Care and Prevention, Institutions and

1 Group Homes and Prevention, and Purchase of Adoption and
2 Guardianship Services.

3 The Department on Aging is authorized to make transfers not
4 exceeding 2% of the aggregate amount appropriated to it within
5 the same treasury fund for the following Community Care Program
6 line items among these same line items: Homemaker and Senior
7 Companion Services, Alternative Senior Services, Case
8 Coordination Units, and Adult Day Care Services.

9 The State Treasurer is authorized to make transfers among
10 line item appropriations from the Capital Litigation Trust
11 Fund, with respect to costs incurred in fiscal years 2002 and
12 2003 only, when the balance remaining in one or more such line
13 item appropriations is insufficient for the purpose for which
14 the appropriation was made, provided that no such transfer may
15 be made unless the amount transferred is no longer required for
16 the purpose for which that appropriation was made.

17 The State Board of Education is authorized to make
18 transfers from line item appropriations within the same
19 treasury fund for General State Aid and General State Aid -
20 Hold Harmless, provided that no such transfer may be made
21 unless the amount transferred is no longer required for the
22 purpose for which that appropriation was made, to the line item
23 appropriation for Transitional Assistance when the balance
24 remaining in such line item appropriation is insufficient for
25 the purpose for which the appropriation was made.

26 The State Board of Education is authorized to make

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

17 During State fiscal year 2010 only, the Department of
18 Healthcare and Family Services is authorized to make transfers
19 not exceeding 4% of the aggregate amount appropriated to it,
20 within the same treasury fund, among the various line items
21 appropriated for Medical Assistance.

22 (c) The sum of such transfers for an agency in a fiscal
23 year shall not exceed 2% of the aggregate amount appropriated
24 to it within the same treasury fund for the following objects:
25 Personal Services; Extra Help; Student and Inmate
26 Compensation; State Contributions to Retirement Systems; State

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

17 (c-1) Special provisions for State fiscal year 2003.
18 Notwithstanding any other provision of this Section to the
19 contrary, for State fiscal year 2003 only, transfers among line
20 item appropriations to an agency from the same treasury fund
21 may be made provided that the sum of such transfers for an
22 agency in State fiscal year 2003 shall not exceed 3% of the
23 aggregate amount appropriated to that State agency for State
24 fiscal year 2003 for the following objects: personal services,
25 except that no transfer may be approved which reduces the
26 aggregate appropriations for personal services within an

1 agency; extra help; student and inmate compensation; State
2 contributions to retirement systems; State contributions to
3 social security; State contributions for employee group
4 insurance; contractual services; travel; commodities;
5 printing; equipment; electronic data processing; operation of
6 automotive equipment; telecommunications services; travel and
7 allowance for committed, paroled, and discharged prisoners;
8 library books; federal matching grants for student loans;
9 refunds; workers' compensation, occupational disease, and tort
10 claims; and, in appropriations to institutions of higher
11 education, awards and grants.

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

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

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

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

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

1 (Source: P.A. 95-707, eff. 1-11-08; 96-37, eff. 7-13-09;
2 96-820, eff. 11-18-09.)

3 Section 10. The School Code is amended by changing Section
4 3-2.5 as follows:

5 (105 ILCS 5/3-2.5)

6 Sec. 3-2.5. Salaries.

7 (a) Except as otherwise provided in this Section, the
8 regional superintendents of schools shall receive for their
9 services an annual salary according to the population, as
10 determined by the last preceding federal census, of the region
11 they serve, as set out in the following schedule:

12 SALARIES OF REGIONAL SUPERINTENDENTS OF
13 SCHOOLS

14 POPULATION OF REGION	ANNUAL SALARY
15 Less than 48,000	\$73,500
16 48,000 to 99,999	\$78,000
17 100,000 to 999,999	\$81,500
18 1,000,000 and over	\$83,500

19 The changes made by Public Act 86-98 in the annual salary
20 that the regional superintendents of schools shall receive for
21 their services shall apply to the annual salary received by the
22 regional superintendents of schools during each of their
23 elected terms of office that commence after July 26, 1989 and
24 before the first Monday of August, 1995.

1 The changes made by Public Act 89-225 in the annual salary
2 that regional superintendents of schools shall receive for
3 their services shall apply to the annual salary received by the
4 regional superintendents of schools during their elected terms
5 of office that commence after August 4, 1995 and end on August
6 1, 1999.

7 The changes made by this amendatory Act of the 91st General
8 Assembly in the annual salary that the regional superintendents
9 of schools shall receive for their services shall apply to the
10 annual salary received by the regional superintendents of
11 schools during each of their elected terms of office that
12 commence on or after August 2, 1999.

13 Beginning July 1, 2000, the salary that the regional
14 superintendent of schools receives for his or her services
15 shall be adjusted annually to reflect the percentage increase,
16 if any, in the most recent Consumer Price Index, as defined and
17 officially reported by the United States Department of Labor,
18 Bureau of Labor Statistics, except that no annual increment may
19 exceed 2.9%. If the percentage of change in the Consumer Price
20 Index is a percentage decrease, the salary that the regional
21 superintendent of schools receives shall not be adjusted for
22 that year.

23 When regional superintendents are authorized by the School
24 Code to appoint assistant regional superintendents, the
25 assistant regional superintendent shall receive an annual
26 salary based on his or her qualifications and computed as a

1 percentage of the salary of the regional superintendent to whom
 2 he or she is assistant, as set out in the following schedule:

3 SALARIES OF ASSISTANT REGIONAL
 4 SUPERINTENDENTS

5 QUALIFICATIONS OF	PERCENTAGE OF SALARY
6 ASSISTANT REGIONAL	OF REGIONAL
7 SUPERINTENDENT	SUPERINTENDENT
8 No Bachelor's degree, but State 9 certificate valid for teaching 10 and supervising.	70%
11 Bachelor's degree plus 12 State certificate valid 13 for supervising.	75%
14 Master's degree plus 15 State certificate valid 16 for supervising.	90%

17 However, in any region in which the appointment of more
 18 than one assistant regional superintendent is authorized,
 19 whether by Section 3-15.10 of this Code or otherwise, not more
 20 than one assistant may be compensated at the 90% rate and any
 21 other assistant shall be paid at not exceeding the 75% rate, in
 22 each case depending on the qualifications of the assistant.

23 The salaries provided in this Section for regional
 24 superintendents and assistant regional superintendents are
 25 payable monthly ~~from the Common School Fund~~. The State
 26 Comptroller in making his or her warrant to any county for the

1 amount due it ~~from the Common School Fund~~ shall deduct from it
2 the several amounts for which warrants have been issued to the
3 regional superintendent, and any assistant regional
4 superintendent, of the educational service region encompassing
5 the county since the preceding apportionment ~~of the Common~~
6 ~~School Fund~~.

7 County boards may provide for additional compensation for
8 the regional superintendent or the assistant regional
9 superintendents, or for each of them, to be paid quarterly from
10 the county treasury.

11 (b) Upon abolition on July 1, 1994, of the office of
12 regional superintendent of schools in educational service
13 regions containing 2,000,000 or more inhabitants as provided in
14 Section 3-0.01 of this Code, the provisions of subsection (a)
15 of this Section shall no longer apply in any educational
16 service region in which the office of regional superintendent
17 of schools is so abolished, and no salary or other compensation
18 shall be payable under that subsection (a) or under any other
19 provision of this Section with respect to the office so
20 abolished or with respect to any assistant position to the
21 office so abolished.

22 (c) If the State pays all or any portion of the employee
23 contributions required under Section 16-152 of the Illinois
24 Pension Code for employees of the State Board of Education, it
25 shall also pay the employee contributions required of regional
26 superintendents of schools and assistant regional

1 superintendents of schools on the same basis, but excluding any
2 contributions based on compensation that is paid by the county
3 rather than the State.

4 This subsection (c) applies to contributions based on
5 payments of salary earned after the effective date of this
6 amendatory Act of the 91st General Assembly, except that in the
7 case of an elected regional superintendent of schools, this
8 subsection does not apply to contributions based on payments of
9 salary earned during a term of office that commenced before the
10 effective date of this amendatory Act.

11 (Source: P.A. 91-276, eff. 7-23-99.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.