

# HB3842



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB3842**

Introduced 10/19/2011, by Rep. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/13.2

from Ch. 127, par. 149.2

Amends the State Finance Act. Provides that, during State fiscal years 2010, 2011, and 2012 only (now, during State fiscal years 2010 and 2011 only), the Department of Healthcare and Family Services is authorized to make transfers not exceeding 4% of the aggregate amount appropriated to it, within the same treasury fund, among the various line items appropriated for Medical Assistance. Effective immediately.

LRB097 13966 PJG 58578 b

FISCAL NOTE ACT  
MAY APPLY

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 year 2010 only, an agency may  
23 transfer amounts among its respective appropriations within  
24 the same treasury fund for personal services, employee  
25 retirement contributions paid by employer, and State  
26 contributions to retirement systems. Notwithstanding, and in

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

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

13 (a-4) Long-Term Care Rebalancing. The Governor may  
14 designate amounts set aside for institutional services  
15 appropriated from the General Revenue Fund or any other State  
16 fund that receives monies for long-term care services to be  
17 transferred to all State agencies responsible for the  
18 administration of community-based long-term care programs,  
19 including, but not limited to, community-based long-term care  
20 programs administered by the Department of Healthcare and  
21 Family Services, the Department of Human Services, and the  
22 Department on Aging, provided that the Director of Healthcare  
23 and Family Services first certifies that the amounts being  
24 transferred are necessary for the purpose of assisting persons  
25 in or at risk of being in institutional care to transition to  
26 community-based settings, including the financial data needed

1 to prove the need for the transfer of funds. The total amounts  
2 transferred shall not exceed 4% in total of the amounts  
3 appropriated from the General Revenue Fund or any other State  
4 fund that receives monies for long-term care services for each  
5 fiscal year. A notice of the fund transfer must be made to the  
6 General Assembly and posted at a minimum on the Department of  
7 Healthcare and Family Services website, the Governor's Office  
8 of Management and Budget website, and any other website the  
9 Governor sees fit. These postings shall serve as notice to the  
10 General Assembly of the amounts to be transferred. Notice shall  
11 be given at least 30 days prior to transfer.

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 years 2010, ~~and~~ 2011, and 2012 only,  
18 the Department of Healthcare and Family Services is authorized  
19 to make transfers not exceeding 4% of the aggregate amount  
20 appropriated to it, within the same treasury fund, among the  
21 various line items 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 the Common School Fund and the  
26 Education Assistance Fund. With the advice and consent of the

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

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

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

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

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

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

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

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

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

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

23 (Source: P.A. 95-707, eff. 1-11-08; 96-37, eff. 7-13-09;  
24 96-820, eff. 11-18-09; 96-959, eff. 7-1-10; 96-1086, eff.  
25 7-16-10; 96-1501, eff. 1-25-11.)

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

1 becoming law.