



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5402

Introduced 2/9/2024, by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

30 ILCS 105/13.2

from Ch. 127, par. 149.2

Amends the State Finance Act. Provides that transfers among line item appropriations to a State agency from the same State treasury fund shall not exceed 1% of the aggregate amount appropriated to that State agency for the same category of appropriation. Provides that moneys appropriated to a State agency as a result of grants, reimbursements, or matching funds received from an outside party may not be transferred to a different line item appropriation or to a different State agency.

LRB103 36072 HLH 69679 b

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,
2 nor from any appropriation for State contribution for employee
3 group insurance.

4 (a-2.5) (Blank).

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
8 appropriation for personal services must be accompanied by a
9 corresponding transfer into the appropriation for employee
10 retirement contributions paid by the employer, in an amount
11 sufficient to meet the employer share of the employee
12 contributions required to be remitted to the retirement
13 system.

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

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

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

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

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

1 Home and Specialized Foster Care and Prevention, Institutions
2 and Group Homes and Prevention, and Purchase of Adoption and
3 Guardianship Services.

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

10 The State Board of Education is authorized to make
11 transfers from line item appropriations within the same
12 treasury fund for General State Aid, General State Aid - Hold
13 Harmless, and Evidence-Based Funding, provided that no such
14 transfer may be made unless the amount transferred is no
15 longer required for the purpose for which that appropriation
16 was made, to the line item appropriation for Transitional
17 Assistance when the balance remaining in such line item
18 appropriation is insufficient for the purpose for which the
19 appropriation was made.

20 The State Board of Education is authorized to make
21 transfers between the following line item appropriations
22 within the same treasury fund: Disabled Student
23 Services/Materials (Section 14-13.01 of the School Code),
24 Disabled Student Transportation Reimbursement (Section
25 14-13.01 of the School Code), Disabled Student Tuition -
26 Private Tuition (Section 14-7.02 of the School Code),

1 Extraordinary Special Education (Section 14-7.02b of the
2 School Code), Reimbursement for Free Lunch/Breakfast Program,
3 Summer School Payments (Section 18-4.3 of the School Code),
4 and Transportation - Regular/Vocational Reimbursement (Section
5 29-5 of the School Code). Such transfers shall be made only
6 when the balance remaining in one or more such line item
7 appropriations is insufficient for the purpose for which the
8 appropriation was made and provided that no such transfer may
9 be made unless the amount transferred is no longer required
10 for the purpose for which that appropriation was made.

11 The Department of Healthcare and Family Services is
12 authorized to make transfers not exceeding 4% of the aggregate
13 amount appropriated to it, within the same treasury fund,
14 among the various line items appropriated for Medical
15 Assistance.

16 The Department of Central Management Services is
17 authorized to make transfers not exceeding 2% of the aggregate
18 amount appropriated to it, within the same treasury fund, from
19 the various line items appropriated to the Department, into
20 the following line item appropriations: auto liability claims
21 and related expenses and payment of claims under the State
22 Employee Indemnification Act.

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

1 Compensation; State Contributions to Retirement Systems; State
2 Contributions to Social Security; State Contribution for
3 Employee Group Insurance; Contractual Services; Travel;
4 Commodities; Printing; Equipment; Electronic Data Processing;
5 Operation of Automotive Equipment; Telecommunications
6 Services; Travel and Allowance for Committed, Paroled and
7 Discharged Prisoners; Library Books; Federal Matching Grants
8 for Student Loans; Refunds; Workers' Compensation,
9 Occupational Disease, and Tort Claims; Late Interest Penalties
10 under the State Prompt Payment Act and Sections 368a and 370a
11 of the Illinois Insurance Code; and, in appropriations to
12 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
17 Services may be transferred to any other expenditure object
18 where such amounts exceed the amount necessary for the payment
19 of such claims.

20 (c-1) (Blank).

21 (c-2) (Blank).

22 (c-3) (Blank).

23 (c-4) (Blank).

24 (c-5) (Blank).

25 (c-6) (Blank).

26 (c-7) (Blank).

1 (c-8) (Blank).

2 (c-9) Special provisions for State fiscal year 2023.
3 Notwithstanding any other provision of this Section, for State
4 fiscal year 2023, transfers among line item appropriations to
5 a State agency from the same State treasury fund may be made
6 for operational or lump sum expenses only, provided that the
7 sum of such transfers for a State agency in State fiscal year
8 2023 shall not exceed 4% of the aggregate amount appropriated
9 to that State agency for operational or lump sum expenses for
10 State fiscal year 2023. For the purpose of this subsection,
11 "operational or lump sum expenses" includes the following
12 objects: personal services; extra help; student and inmate
13 compensation; State contributions to retirement systems; State
14 contributions to social security; State contributions for
15 employee group insurance; contractual services; travel;
16 commodities; printing; equipment; electronic data processing;
17 operation of automotive equipment; telecommunications
18 services; travel and allowance for committed, paroled, and
19 discharged prisoners; library books; federal matching grants
20 for student loans; refunds; workers' compensation,
21 occupational disease, and tort claims; late interest penalties
22 under the State Prompt Payment Act and Sections 368a and 370a
23 of the Illinois Insurance Code; lump sum and other purposes;
24 and lump sum operations. For the purpose of this subsection,
25 "State agency" does not include the Attorney General, the
26 Secretary of State, the Comptroller, the Treasurer, or the

1 judicial or legislative branches.

2 (c-10) Special provisions for State fiscal year 2024.
3 Notwithstanding any other provision of this Section, for State
4 fiscal year 2024, transfers among line item appropriations to
5 a State agency from the same State treasury fund may be made
6 for operational or lump sum expenses only, provided that the
7 sum of such transfers for a State agency in State fiscal year
8 2024 shall not exceed 8% of the aggregate amount appropriated
9 to that State agency for operational or lump sum expenses for
10 State fiscal year 2024. For the purpose of this subsection,
11 "operational or lump sum expenses" includes the following
12 objects: personal services; extra help; student and inmate
13 compensation; State contributions to retirement systems; State
14 contributions to social security; State contributions for
15 employee group insurance; contractual services; travel;
16 commodities; printing; equipment; electronic data processing;
17 operation of automotive equipment; telecommunications
18 services; travel and allowance for committed, paroled, and
19 discharged prisoners; library books; federal matching grants
20 for student loans; refunds; workers' compensation,
21 occupational disease, and tort claims; late interest penalties
22 under the State Prompt Payment Act and Sections 368a and 370a
23 of the Illinois Insurance Code; lump sum and other purposes;
24 and lump sum operations. For the purpose of this subsection,
25 "State agency" does not include the Attorney General, the
26 Secretary of State, the Comptroller, the Treasurer, or the

1 judicial or legislative branches.

2 (c-15) Beginning in State fiscal year 2025, transfers
3 among line item appropriations to a State agency from the same
4 State treasury fund shall not exceed 1% of the aggregate
5 amount appropriated to that State agency for the same category
6 of appropriation. Moneys appropriated to a State agency as a
7 result of grants, reimbursements, or matching funds received
8 from an outside party, including, but not limited to, the
9 federal government, may not be transferred to a different line
10 item appropriation or to a different State agency.

11 (d) Transfers among appropriations made to agencies of the
12 Legislative and Judicial departments and to the
13 constitutionally elected officers in the Executive branch
14 require the approval of the officer authorized in Section 10
15 of this Act to approve and certify vouchers. Transfers among
16 appropriations made to the University of Illinois, Southern
17 Illinois University, Chicago State University, Eastern
18 Illinois University, Governors State University, Illinois
19 State University, Northeastern Illinois University, Northern
20 Illinois University, Western Illinois University, the Illinois
21 Mathematics and Science Academy and the Board of Higher
22 Education require the approval of the Board of Higher
23 Education and the Governor. Transfers among appropriations to
24 all other agencies require the approval of the Governor.

25 The officer responsible for approval shall certify that
26 the transfer is necessary to carry out the programs and

1 purposes for which the appropriations were made by the General
2 Assembly and shall transmit to the State Comptroller a
3 certified copy of the approval which shall set forth the
4 specific amounts transferred so that the Comptroller may
5 change his records accordingly. The Comptroller shall furnish
6 the Governor with information copies of all transfers approved
7 for agencies of the Legislative and Judicial departments and
8 transfers approved by the constitutionally elected officials
9 of the Executive branch other than the Governor, showing the
10 amounts transferred and indicating the dates such changes were
11 entered on the Comptroller's records.

12 (e) The State Board of Education, in consultation with the
13 State Comptroller, may transfer line item appropriations for
14 General State Aid or Evidence-Based Funding among the Common
15 School Fund and the Education Assistance Fund, and, for State
16 fiscal year 2020 and each fiscal year thereafter, the Fund for
17 the Advancement of Education. With the advice and consent of
18 the Governor's Office of Management and Budget, the State
19 Board of Education, in consultation with the State
20 Comptroller, may transfer line item appropriations between the
21 General Revenue Fund and the Education Assistance Fund for the
22 following programs:

23 (1) Disabled Student Personnel Reimbursement (Section
24 14-13.01 of the School Code);

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

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

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

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

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

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

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

12 (9) Special Education Reimbursement (Section 14-7.03
13 of the School Code).

14 (f) For State fiscal year 2020 and each fiscal year
15 thereafter, the Department on Aging, in consultation with the
16 State Comptroller, with the advice and consent of the
17 Governor's Office of Management and Budget, may transfer line
18 item appropriations for purchase of services covered by the
19 Community Care Program between the General Revenue Fund and
20 the Commitment to Human Services Fund.

21 (g) For State fiscal year 2024 and each fiscal year
22 thereafter, if requested by an agency chief executive officer
23 and authorized and approved by the Comptroller, the
24 Comptroller may direct and the Treasurer shall transfer funds
25 from the General Revenue Fund to fund payroll expenses that
26 meet the payroll transaction exception criteria as defined by

1 the Comptroller in the Statewide Accounting Management System
2 (SAMS) Manual. The agency shall then transfer these funds back
3 to the General Revenue Fund within 7 days.

4 (Source: P.A. 102-16, eff. 6-17-21; 102-699, eff. 4-19-22;
5 103-8, eff. 6-7-23.)