



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4322

Introduced 2/27/2009, by Rep. David Reis

SYNOPSIS AS INTRODUCED:

30 ILCS 105/13.2

from Ch. 127, par. 149.2

Amends the State Finance Act. Authorizes the State Board of Education to make transfers between the following line item appropriations regardless of the treasury fund from which it is appropriated: General State Aid and General State Aid - Hold Harmless. Provides that such transfers shall be made only when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made and provided that no such transfer may be made unless the amount transferred is no longer required for the purpose for which that appropriation was made. Effective immediately.

LRB096 03626 NHT 13654 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. Notwithstanding, and in
17 addition to, the transfers authorized in subsection (c) of this
18 Section, these transfers may be made in an amount not to exceed
19 2% of the aggregate amount appropriated to an agency within the
20 same treasury fund.

21 (a-3) Further, if an agency receives a separate
22 appropriation for employee retirement contributions paid by
23 the employer, any transfer by that agency into an appropriation
24 for personal services must be accompanied by a corresponding
25 transfer into the appropriation for employee retirement
26 contributions paid by the employer, in an amount sufficient to

1 meet the employer share of the employee contributions required
2 to be remitted to the retirement system.

3 (b) In addition to the general transfer authority provided
4 under subsection (c), the following agencies have the specific
5 transfer authority granted in this subsection:

6 The Department of Healthcare and Family Services is
7 authorized to make transfers representing savings attributable
8 to not increasing grants due to the births of additional
9 children from line items for payments of cash grants to line
10 items for payments for employment and social services for the
11 purposes outlined in subsection (f) of Section 4-2 of the
12 Illinois Public Aid Code.

13 The Department of Children and Family Services is
14 authorized to make transfers not exceeding 2% of the aggregate
15 amount appropriated to it within the same treasury fund for the
16 following line items among these same line items: Foster Home
17 and Specialized Foster Care and Prevention, Institutions and
18 Group Homes and Prevention, and Purchase of Adoption and
19 Guardianship Services.

20 The Department on Aging is authorized to make transfers not
21 exceeding 2% of the aggregate amount appropriated to it within
22 the same treasury fund for the following Community Care Program
23 line items among these same line items: Homemaker and Senior
24 Companion Services, Alternative Senior Services, Case
25 Coordination Units, and Adult Day Care Services.

26 The State Treasurer is authorized to make transfers among

1 line item appropriations from the Capital Litigation Trust
2 Fund, with respect to costs incurred in fiscal years 2002 and
3 2003 only, when the balance remaining in one or more such line
4 item appropriations is insufficient for the purpose for which
5 the appropriation was made, provided that no such transfer may
6 be made unless the amount transferred is no longer required for
7 the purpose for which that appropriation was made.

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

17 The State Board of Education is authorized to make
18 transfers between the following line item appropriations
19 within the same treasury fund: Disabled Student
20 Services/Materials (Section 14-13.01 of the School Code),
21 Disabled Student Transportation Reimbursement (Section
22 14-13.01 of the School Code), Disabled Student Tuition -
23 Private Tuition (Section 14-7.02 of the School Code),
24 Extraordinary Special Education (Section 14-7.02b of the
25 School Code), Reimbursement for Free Lunch/Breakfast Program,
26 Summer School Payments (Section 18-4.3 of the School Code), and

1 Transportation - Regular/Vocational Reimbursement (Section
2 29-5 of the School Code). Such transfers shall be made only
3 when the balance remaining in one or more such line item
4 appropriations is insufficient for the purpose for which the
5 appropriation was made and provided that no such transfer may
6 be made unless the amount transferred is no longer required for
7 the purpose for which that appropriation was made.

8 The State Board of Education is authorized to make
9 transfers between the following line item appropriations
10 regardless of the treasury fund from which it is appropriated:
11 General State Aid and General State Aid - Hold Harmless. Such
12 transfers shall be made only when the balance remaining in one
13 or more such line item appropriations is insufficient for the
14 purpose for which the appropriation was made and provided that
15 no such transfer may be made unless the amount transferred is
16 no longer required for the purpose for which that appropriation
17 was made.

18 (c) The sum of such transfers for an agency in a fiscal
19 year shall not exceed 2% of the aggregate amount appropriated
20 to it within the same treasury fund for the following objects:
21 Personal Services; Extra Help; Student and Inmate
22 Compensation; State Contributions to Retirement Systems; State
23 Contributions to Social Security; State Contribution for
24 Employee Group Insurance; Contractual Services; Travel;
25 Commodities; Printing; Equipment; Electronic Data Processing;
26 Operation of Automotive Equipment; Telecommunications

1 Services; Travel and Allowance for Committed, Paroled and
2 Discharged Prisoners; Library Books; Federal Matching Grants
3 for Student Loans; Refunds; Workers' Compensation,
4 Occupational Disease, and Tort Claims; and, in appropriations
5 to institutions of higher education, Awards and Grants.
6 Notwithstanding the above, any amounts appropriated for
7 payment of workers' compensation claims to an agency to which
8 the authority to evaluate, administer and pay such claims has
9 been delegated by the Department of Central Management Services
10 may be transferred to any other expenditure object where such
11 amounts exceed the amount necessary for the payment of such
12 claims.

13 (c-1) Special provisions for State fiscal year 2003.
14 Notwithstanding any other provision of this Section to the
15 contrary, for State fiscal year 2003 only, transfers among line
16 item appropriations to an agency from the same treasury fund
17 may be made provided that the sum of such transfers for an
18 agency in State fiscal year 2003 shall not exceed 3% of the
19 aggregate amount appropriated to that State agency for State
20 fiscal year 2003 for the following objects: personal services,
21 except that no transfer may be approved which reduces the
22 aggregate appropriations for personal services within an
23 agency; extra help; student and inmate compensation; State
24 contributions to retirement systems; State contributions to
25 social security; State contributions for employee group
26 insurance; contractual services; travel; commodities;

1 printing; equipment; electronic data processing; operation of
2 automotive equipment; telecommunications services; travel and
3 allowance for committed, paroled, and discharged prisoners;
4 library books; federal matching grants for student loans;
5 refunds; workers' compensation, occupational disease, and tort
6 claims; and, in appropriations to institutions of higher
7 education, awards and grants.

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

18 (d) Transfers among appropriations made to agencies of the
19 Legislative and Judicial departments and to the
20 constitutionally elected officers in the Executive branch
21 require the approval of the officer authorized in Section 10 of
22 this Act to approve and certify vouchers. Transfers among
23 appropriations made to the University of Illinois, Southern
24 Illinois University, Chicago State University, Eastern
25 Illinois University, Governors State University, Illinois
26 State University, Northeastern Illinois University, Northern

1 Illinois University, Western Illinois University, the Illinois
2 Mathematics and Science Academy and the Board of Higher
3 Education require the approval of the Board of Higher Education
4 and the Governor. Transfers among appropriations to all other
5 agencies require the approval of the Governor.

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

19 (e) The State Board of Education, in consultation with the
20 State Comptroller, may transfer line item appropriations for
21 General State Aid from the Common School Fund to the Education
22 Assistance Fund.

23 (Source: P.A. 94-839, eff. 6-6-06; 95-707, eff. 1-11-08.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.