

HB3837



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3837

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. Authorizes, beyond State fiscal years 2010 and 2011 (now, during State fiscal years 2010 and 2011 only), the Department of Healthcare and Family Services 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 13767 PJG 58322 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 ~~The During State fiscal years 2010 and 2011 only, the~~
18 Department of Healthcare and Family Services is authorized to
19 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.