

As Introduced

**128th General Assembly
Regular Session
2009-2010**

S. B. No. 185

Senator Jones

Cosponsors: Senators Buehrer, Grendell, Husted, Schaffer, Wagoner

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A B I L L

To amend section 127.14 and to enact section 126.231 1
of the Revised Code, and to amend Section 512.60 2
of Am. Sub. H.B. 1 of the 128th General Assembly 3
to prohibit the transfer of cash from certain 4
non-General Revenue Funds to the General Revenue 5
Fund. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 127.14 be amended and section 126.231 7
of the Revised Code be enacted to read as follows: 8

Sec. 126.231. (A) If the director of budget and management is 9
authorized to transfer cash from non-general revenue funds in the 10
state treasury to the general revenue fund, no such transfer may 11
be made by the director until at least ninety days after the 12
intention to make the transfer has been indicated in a quarterly 13
estimate described in division (B) of this section, and no such 14
transfer may be made from a fund that includes cash from 15
donations. 16

(B) The director shall prepare quarterly estimates 17
identifying funds in the state treasury from which cash transfers 18
are to be made and the anticipated amount of these cash transfers. 19

The estimates shall be delivered to the governor, the president of 20
the senate, the minority leader of the senate, the speaker of the 21
house of representatives, the minority leader of the house of 22
representatives, and members of the press, radio and television 23
stations, and broadcasting networks in this state. 24

Sec. 127.14. The controlling board may, at the request of any 25
state agency or the director of budget and management, authorize, 26
with respect to the provisions of any appropriation act: 27

(A) Transfers of all or part of an appropriation within but 29
not between state agencies, except such transfers as the director 30
of budget and management is authorized by law to make, provided 31
that no transfer shall be made by the director for the purpose of 32
effecting new or changed levels of program service not authorized 33
by the general assembly; 34

(B) Transfers of all or part of an appropriation from one 35
fiscal year to another; 36

(C) Transfers of all or part of an appropriation within or 37
between state agencies made necessary by administrative 38
reorganization or by the abolition of an agency or part of an 39
agency; 40

(D) Transfers of all or part of cash balances in excess of 41
needs from any fund of the state to the general revenue fund or to 42
such other fund of the state to which the money would have been 43
credited in the absence of the fund from which the transfers are 44
authorized to be made, except that the controlling board may not 45
authorize such transfers from the accrued leave liability fund, 46
auto registration distribution fund, budget stabilization fund, 47
development bond retirement fund, facilities establishment fund, 48
gasoline excise tax fund, general revenue fund, higher education 49
improvement fund, highway improvement bond retirement fund, 50

highway obligations bond retirement fund, highway capital 51
improvement fund, highway operating fund, horse racing tax fund, 52
improvements bond retirement fund, public library fund, liquor 53
control fund, local government fund, local transportation 54
improvement program fund, mental health facilities improvement 55
fund, Ohio fairs fund, parks and recreation improvement fund, 56
public improvements bond retirement fund, school district income 57
tax fund, state agency facilities improvement fund, state and 58
local government highway distribution fund, state highway safety 59
fund, state lottery fund, undivided liquor permit fund, Vietnam 60
conflict compensation bond retirement fund, volunteer fire 61
fighters' dependents fund, waterways safety fund, wildlife fund, 62
workers' compensation fund, workers' compensation council 63
remuneration fund, a fund that includes cash from donations, or 64
any fund not specified in this division that the director of 65
budget and management determines to be a bond fund or bond 66
retirement fund; 67

(E) Transfers of all or part of those appropriations included 68
in the emergency purposes account of the controlling board; 69

(F) Temporary transfers of all or part of an appropriation or 70
other moneys into and between existing funds, or new funds, as may 71
be established by law when needed for capital outlays for which 72
notes or bonds will be issued; 73

(G) Transfer or release of all or part of an appropriation to 74
a state agency requiring controlling board approval of such 75
transfer or release as provided by law; 76

(H) Temporary transfer of funds included in the emergency 77
purposes appropriation of the controlling board. Such temporary 78
transfers may be made subject to conditions specified by the 79
controlling board at the time temporary transfers are authorized. 80
No transfers shall be made under this division for the purpose of 81
effecting new or changed levels of program service not authorized 82

by the general assembly. 83

As used in this section, "request" means an application by a 84
state agency or the director of budget and management seeking some 85
action by the controlling board. 86

When authorizing the transfer of all or part of an 87
appropriation under this section, the controlling board may 88
authorize the transfer to an existing appropriation item and the 89
creation of and transfer to a new appropriation item. 90

Whenever there is a transfer of all or part of funds included 91
in the emergency purposes appropriation by the controlling board, 92
pursuant to division (E) of this section, the state agency or the 93
director of budget and management receiving such transfer shall 94
keep a detailed record of the use of the transferred funds. At the 95
earliest scheduled meeting of the controlling board following the 96
accomplishment of the purposes specified in the request originally 97
seeking the transfer, or following the total expenditure of the 98
transferred funds for the specified purposes, the state agency or 99
the director of budget and management shall submit a report on the 100
expenditure of such funds to the board. The portion of any 101
appropriation so transferred which is not required to accomplish 102
the purposes designated in the original request to the controlling 103
board shall be returned to the proper appropriation of the 104
controlling board at this time. 105

Notwithstanding any provisions of law providing for the 106
deposit of revenues received by a state agency to the credit of a 107
particular fund in the state treasury, whenever there is a 108
temporary transfer of funds included in the emergency purposes 109
appropriation of the controlling board pursuant to division (H) of 110
this section, revenues received by any state agency receiving such 111
a temporary transfer of funds shall, as directed by the 112
controlling board, be transferred back to the emergency purposes 113
appropriation. 114

The board may delegate to the director of budget and management authority to approve transfers among items of appropriation under division (A) of this section.

Section 2. That existing section 127.14 of the Revised Code is hereby repealed.

Section 3. That Section 512.60 of Am. Sub. H.B. 1 of the 128th General Assembly be amended to read as follows:

Sec. 512.60. CASH TRANSFERS TO THE GENERAL REVENUE FUND FROM NON-GRF FUNDS

Notwithstanding any provision of law to the contrary, during fiscal years 2010 and 2011, the Director of Budget and Management may transfer cash from non-General Revenue Funds that are not constitutionally restricted and do not include cash from donations to the General Revenue Fund in order to ensure that available General Revenue Fund receipts and balances are sufficient to support General Revenue Fund appropriations in each fiscal year. Any transfer made pursuant to this section must comply with section 126.231 of the Revised Code.

~~Before September 1 of each fiscal year, the Director of Budget and Management shall prepare quarterly estimates identifying funds in the state treasury from which cash transfers are to be made and the anticipated amount of these cash transfers.~~ Beginning with the quarter ending September 30, 2009, and on a quarterly basis thereafter, the Director of Budget and Management shall prepare a summary comparing the estimated and actual amounts of these cash transfers by fund. This quarterly summary shall be included in the report required under section 126.05 of the Revised Code.

Section 4. That existing Section 512.60 of Am. Sub. H.B. 1 of

the 128th General Assembly is hereby repealed. 144

Section 5. The amendment or enactment by this act of the 145
sections listed below is exempt from the referendum under Ohio 146
Constitution, Article II, Section 1d, and section 1.471 of the 147
Revised Code, and therefore takes effect immediately when this act 148
becomes law: 149

Sections 126.231 and 127.14 of the Revised Code. 150

Section 512.60 of Am. Sub. H.B. 1 of the 128th General 151
Assembly. 152