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OFFICE OF THE AUDITOR GENERAL
WILLIAM G. HOLLAND

MEMORANDUM

TO: The Honorable Pat Quinn, Governor
The Honorable Jesse White, Secretary of State
The Honorable Dan Rutherford, State Treasurer
The Honorable Judy Baar Topinka, State Comptroller
Members of the General Assembly

FROM: William G. Holland, Auditor General

RE: Report #1-13 Pursuant to the Taxpayer Accountability and Budget Stabilization Act (P.A. 96-1496)

DATE: July 17, 2012

A. INTRODUCTION

This report is made pursuant to the Taxpayer Accountability and Budget Stabilization Act (the "Act") (P.A. 96-1496). The Act increased the income tax rates imposed on individuals, trusts, estates, and corporations. The Act also established State spending limitations for Fiscal Years 2012 through 2015, and provided for a reduction in tax rates should those limitations be exceeded. Among its provisions, the Act requires the Auditor General to examine each Public Act authorizing State spending from State general funds and prepare a report indicating:

- i. The amount of State spending set forth in the applicable Public Act;
- ii. The total amount of State spending authorized by law for the applicable fiscal year as of the date of the report; and
- iii. Whether State spending exceeds the State spending limitation.

In the event that the Auditor General determines that State spending has exceeded the State spending limitation in any given fiscal year, the Act provides certain mechanisms and timeframes by which State spending may be reduced to a level that does not exceed the State spending limitation, including by passage of a bill or bills or designation of reserves. Under these circumstances, the Auditor General is required to issue a

supplemental report summarizing the actions taken by the General Assembly and Governor, indicating whether the level of State spending has changed since the initial report, and indicating whether State spending still exceeds the State spending limitation. If State spending still exceeds the State spending limitation, then the income tax rates will be reduced as provided by Section 201.5 of the Illinois Income Tax Act.

A complete text of the Taxpayer Accountability and Budget Stabilization Act is available on the Illinois General Assembly website at www.ilga.gov.

B. DEFINITIONS

Under the Act, the State spending limitation applies to specific types of appropriations or transfers from the State's general funds. The Act provides the following definitions of terms pertinent to the reporting requirement (35 ILCS 5/201.5 (h)):

“State spending” means:

- i. The total amount authorized for spending by ***appropriation*** or ***statutory transfer*** from the ***State general funds*** in the applicable fiscal year; and
- ii. Any amounts the Governor places in reserves that are subsequently released from reserves following authorization by a Public Act.

“Appropriation” means authority to spend money from a State general fund for a specific amount, purpose, and time period, including any supplemental appropriation or continuing appropriation, but does not include reappropriations from a previous fiscal year.

“Statutory Transfer” means authority to transfer funds from one State general fund to any other fund in the State treasury, but does not include transfers made from one State general fund to another State general fund.

“State general funds” means the General Revenue Fund (Fund 0001), the Common School Fund (Fund 0412), the General Revenue Common School Special Account Fund (Fund 0005), the Education Assistance Fund (Fund 0007), and the Budget Stabilization Fund (Fund 0686).

C. ADDITIONAL PROVISIONS

Public Acts, Continuing Appropriations and Statutory Transfers

The definition of “appropriations” for purposes of the State Spending Limitation includes “continuing appropriations.” Continuing appropriations are those expenditures that are authorized by law for one or more fiscal periods without the necessity of further legislative action. Further, the definition of “state spending” includes “statutory transfers.” Like continuing appropriations, statutory transfers can occur in one fiscal period based on authorization granted in prior fiscal periods. Therefore, continuing appropriations and statutory transfers impacting the

State spending limitation may occur in Fiscal Year 2013 based on laws passed in previous years, and in some instances, several years ago.

Under the Secretary of State Act [15 ILCS 305/5 (9)], as amended by the Taxpayer Accountability and Budget Stabilization Act, the Secretary of State is required to notify the Auditor General of any *new* Public Act filed with that Office making an appropriation or a transfer of funds from the State treasury. Additional spending may occur based on *existing* statutory authority, and would be documented at the time of authorization or transfer in forms C-45 (Chart of Accounts Maintenance and Inquiry) and C-55 (Fund Transfer Notification) on file with the State Comptroller's Office.

The Auditor General's Office will review new Public Acts as they are filed with our Office by the Secretary of State. We will also review forms C-45 and C-55 provided by the State Comptroller's Office. The purpose of our reviews will be to identify all appropriations, supplemental appropriations, continuing appropriations and statutory transfers constituting "State spending" from "State general funds" (as those terms are defined in P.A. 96-1496). We will issue a report or reports under the Taxpayer Accountability and Budget Stabilization Act showing authorizations for spending or actual spending and their impact on the State spending limitation.

Reserves

Under the Act, any amount placed in reserves is not State spending and shall not be considered when calculating the total amount of State spending [35 ILCS 5/201.5 (d)]. Notice of the Governor's designation of amounts to be set aside as reserves shall be given to the Auditor General, among other parties. However, any Public Act authorizing the use of amounts placed in reserve by the Governor is considered State spending, unless such Public Act authorizes the use of amounts placed in reserves in response to a fiscal emergency.

Fiscal Emergencies

Under the Act, State spending authorized by law to address a fiscal emergency declared by the Governor and concurred in by the State Comptroller and State Treasurer shall not be considered "State spending" for purposes of the State spending limitation [35 ILCS 5/201.5 (g)].

D. STATE SPENDING LIMITATION

The State Spending Limitation for Fiscal Year 2013 is \$37,554,000,000 [35 ILCS 5/201.5 (b)].

E. REPORT DEADLINE

The Auditor General's report is due no later than 30 days after receiving notification of a new Public Act from the Secretary of State or 60 days after the effective date of the Public Act, whichever is earlier. As long as the deadline is met, the Auditor General may issue one report covering multiple Public Acts.

All reports are available on the Auditor General's website at www.auditor.illinois.gov.

F. LOG OF STATE SPENDING AUTHORIZATIONS

Report #1:

On June 18, 2012, pursuant to 15 ILCS 305/5 (9), the Auditor General's Office received the following Public Acts from the Secretary of State:

- P.A. 97-685, effective July 1, 2012. *(This Act contains both FY12 supplemental appropriations and FY13 new appropriations. This report reflects only the FY13 new appropriations, which are effective July 1, 2012. FY12 supplemental appropriations, which are effective June 7, 2012, were reported in FY12.)*

On June 26, 2012, pursuant to 15 ILCS 305/5 (9), the Auditor General's Office received the following Public Act from the Secretary of State:

- P.A. 97-689, effective July 1, 2012;
- P.A. 97-691, effective July 1, 2012; and
- P.A. 97-695, effective July 1, 2012.

On July 10, 2012, pursuant to 15 ILCS 305/5 (9), the Auditor General's Office received the following Public Acts from the Secretary of State:

- P.A. 97-722, effective June 29, 2012;
- P.A. 97-725, effective July 1, 2012;
- P.A. 97-726, effective July 1, 2012;
- P.A. 97-727, effective July 1, 2012;
- P.A. 97-728, effective July 1, 2012;
- P.A. 97-729, effective July 1, 2012;
- P.A. 97-730, effective July 1, 2012;
- P.A. 97-731, effective July 1, 2012;
- P.A. 97-732, effective June 30, 2012;
- P.A. 97-735, effective July 3, 2012;
- P.A. 97-737, effective July 3, 2012;
- P.A. 97-738, effective July 4, 2012;
- P.A. 97-740, effective July 4, 2012;
- P.A. 97-742, effective June 30, 2013;
- P.A. 97-744, effective January 1, 2013;
- P.A. 97-745, effective July 6, 2012;
- P.A. 97-748, effective July 6, 2012;
- P.A. 97-755, effective January 1, 2013;
- P.A. 97-761, effective July 6, 2012;
- P.A. 97-764, effective July 6, 2012; and
- P.A. 97-765, effective July 6, 2012.

On July 9, 2012, the Auditor General's Office received a "Chart of Accounts Maintenance and Inquiry" (Form C-45) from the State Comptroller's Office to determine whether the continuing appropriation constituted "state spending" as that term is defined by P.A. 96-1496. We determined a net unduplicated total of \$24,061,000.00 in FY13 state spending occurred through this authorization dated July 3, 2012.

The complete text of all Public Acts and statutory citations is available on the General Assembly's website at www.ilga.gov.

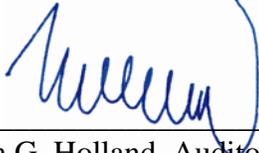
G. STATE SPENDING ANALYSIS

As of this report:

- Cumulative State Spending for Fiscal Year 2013 is \$29,529,497,676.00; and
- The balance of the Fiscal Year 2013 State Spending cap remaining is \$8,024,502,324.00.

H. CONCLUSION

It is our conclusion that the amount of State spending authorized to date for Fiscal Year 2013 does not exceed the State spending limitation. This report does not constitute a post audit or examination as that term is defined in generally accepted government auditing standards.



William G. Holland, Auditor General

07-17-2012

Date

Exhibit 1							
TOTAL AMOUNT OF AUTHORIZED STATE SPENDING vs. FISCAL YEAR 2013 SPENDING CAP OF \$37,554,000,000							
1	2	3	4	5	6	7	8
Report Number	Authorization Type	Citation	Does it Impact the FY13 Cap?	Fund Number	Spending Authorization	FY13 Cumulative State Spending To Date	FY13 Balance of State Spending Cap Remaining
1-13	PA	97-685	Yes	001	\$2,005,162,800.00	\$2,005,162,800.00	\$35,548,837,200.00
				007	\$1,254,000,000.00	\$3,259,162,800.00	\$34,294,837,200.00
				412	\$2,702,398,000.00	\$5,961,560,800.00	\$31,592,439,200.00
	PA	97-689	No		\$0	\$5,961,560,800.00	\$31,592,439,200.00
	PA	97-691	No		\$0	\$5,961,560,800.00	\$31,592,439,200.00
	PA	97-695	No		\$0	\$5,961,560,800.00	\$31,592,439,200.00
	PA	97-722	No		\$0	\$5,961,560,800.00	\$31,592,439,200.00
	PA	97-725	No ¹		\$0	\$5,961,560,800.00	\$31,592,439,200.00
	PA	97-726	Yes	001	\$770,480,400.00	\$6,732,041,200.00	\$30,821,958,800.00
	PA	97-727	Yes	001	\$324,696,580.00	\$7,056,737,780.00	\$30,497,262,220.00
				007	\$62,622,000.00	\$7,119,359,780.00	\$30,434,640,220.00
	PA	97-728	Yes	001	\$2,255,584,335.00	\$9,374,944,115.00	\$28,179,055,885.00
				007	\$390,661,700.00	\$9,765,605,815.00	\$27,788,394,185.00
				412	\$3,896,090,800.00	\$13,661,696,615.00	\$23,892,303,385.00
	PA	97-729	Yes	001	\$515,683,800.00	\$14,177,380,415.00	\$23,376,619,585.00
			Yes	007	\$1,463,126,100.00	\$15,640,506,515.00	\$21,913,493,485.00
	PA	97-730	Yes	001	\$11,725,899,610.00	\$27,366,406,125.00	\$10,187,593,875.00
	PA	97-731	Yes	001	\$1,607,695,601.00	\$28,974,101,726.00	\$8,579,898,274.00
	PA	97-732	Yes	001	\$531,043,536.00	\$29,505,145,262.00	\$8,048,854,738.00
			Yes	007	\$40,564.00	\$29,505,185,826.00	\$8,048,814,174.00
			Yes	412	\$250,850.00	\$29,505,436,676.00	\$8,048,563,324.00
	PA	97-735	No		\$0	\$29,505,436,676.00	\$8,048,563,324.00
	PA	97-737	No		\$0	\$29,505,436,676.00	\$8,048,563,324.00
	PA	97-738	No		\$0	\$29,505,436,676.00	\$8,048,563,324.00
	PA	97-740	No		\$0	\$29,505,436,676.00	\$8,048,563,324.00
	PA	97-742	No		\$0	\$29,505,436,676.00	\$8,048,563,324.00
	PA	97-744	No		\$0	\$29,505,436,676.00	\$8,048,563,324.00
	PA	97-745	No		\$0	\$29,505,436,676.00	\$8,048,563,324.00

¹ This is an appropriation bill. However, none of the authorized spending is from "General Funds" as defined by P.A. 96-1496.

Notes to Exhibit 1		
Abbreviations (Column 2): CA = Continuing Appropriation FE = Fiscal Emergency PA = Public Act R = Reserves ST = Statutory Transfer / TV = Transfer Voucher	Funds (Column 5): 0001 = General Revenue (GR) 0005 = GR Common School Special Account 0007 = Education Assistance 0412 = Common School 0686 = Budget Stabilization	Notes: <ul style="list-style-type: none"> A positive amount in Column 6 <u>reduces</u> the amount remaining in Column 8. A negative amount in Column 6 <u>increases</u> the amount remaining in Column 8.

Exhibit 1 TOTAL AMOUNT OF AUTHORIZED STATE SPENDING vs. FISCAL YEAR 2013 SPENDING CAP OF \$37,554,000,000							
1	2	3	4	5	6	7	8
Report Number	Authorization Type	Citation	Does it Impact the FY13 Cap?	Fund Number	Spending Authorization	FY13 Cumulative State Spending To Date	FY13 Balance of State Spending Cap Remaining
	PA	97-748	No		\$0	\$29,505,436,676.00	\$8,048,563,324.00
	PA	97-755	No		\$0	\$29,505,436,676.00	\$8,048,563,324.00
	PA	97-761	No		\$0	\$29,505,436,676.00	\$8,048,563,324.00
	PA	97-764	No		\$0	\$29,505,436,676.00	\$8,048,563,324.00
	PA	97-765	No		\$0	\$29,505,436,676.00	\$8,048,563,324.00
	CA	TRS7/3/12	Yes	001	\$24,061,000.00	\$29,529,497,676.00	\$8,024,502,324.00