

Title 5: ADMINISTRATIVE PROCEDURES AND SERVICES
Part 4: FINANCE
Chapter 145: APPROPRIATIONS

§1585. Transfer of unexpended appropriations

1. Transfer procedures. Any balance of any appropriation or subdivision of an appropriation made by the Legislature for any state department or agency, which at any time may not be required for the purpose named in such appropriations or subdivision, may be transferred at any time prior to the closing of the books to any other appropriation or subdivision of an appropriation made by the Legislature for the use of the same department or agency for the same fiscal year subject to review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. Financial orders describing such transfers must be submitted by the Bureau of the Budget to the Office of Fiscal and Program Review 30 days before the transfer is to be implemented. In case of extraordinary emergency transfers, the 30-day prior submission requirement may be waived by vote of the committee. Positions, or funding for those positions, that are currently funded with federal or other funds may not be transferred by financial order to the General Fund. Financial orders proposing to transfer 4th or 3rd quarter allotments to the 3rd, 2nd or 1st quarters that result from trends that will cause financial commitments to exceed current appropriations or allocations are subject to the provisions of this section. The Department of Health and Human Services is authorized to transfer funds within the TANF program account to the ASPIRE-TANF program account as often as necessary in order to support and assist participants in obtaining or retaining employment during the fiscal year. In making a transfer of TANF program funds to the ASPIRE-TANF program account, the department does not need to submit a financial order to the committee in advance of the transfer. For purposes of this subsection, "TANF" and "ASPIRE-TANF program" have the same meaning as in Title 22, section 3762, subsection 1, paragraph E and Title 22, section 3781-A, subsection 1, respectively.

2009, c. 291, §1 (AMD).]

2. Governor.

1981, c. 702, Pt. T (RP).]

3. Governor and Legislature.

1981, c. 702, Pt. T (RP).]

4. Reorganization of departments. A state department or agency may not transfer Positions or Personal Services, All Other or Capital Expenditures funding between accounts when the expenditures will allow an action to take place that will cause an increased appropriation or allocation request in the baseline budget for any program.

[PL 2017, c. 288, Pt. A, §3 (AMD).]

SECTION HISTORY

PL 1975, c. 771, §72 (AMD). PL 1977, c. 8 (AMD). PL 1977, c. 576, §1 (RPR). PL 1977, c. 696, §43 (RPR). PL 1981, c. 294 (AMD). PL 1981, c. 702, §T (RPR). PL 1983, c. 477, Pt. E, Subpt. 11 (AMD). PL 1985, c. 737, §B7 (AMD). PL 1991, c. 9, §E6 (AMD). PL 1999, c. 731, §BB1 (AMD). PL 2005, c. 12, §T4 (AMD). PL 2009, c. 291, §1 (AMD). PL 2017, c. 288, Pt. A, §3 (AMD).

**Sec. 3 of the
bill
notwithstanding
§1585**

**Sec. 4
of the
bill
notwith-
stands
§1589**

§1589. Appropriations and allocation balances

The State Controller may close the books as soon as practicable after the close of the fiscal year. Any bills or invoices presented after that date may be paid from appropriations or allocations for the ensuing year on the recommendation of the State Controller if within the amounts of approved allotments. At the end of each fiscal year, unencumbered appropriation and allocation balances lapse into the appropriate fund and are not available unless authorized by law. Encumbered balances may not be carried forward more than once at the end of a fiscal year, except that all encumbered balances and accounts for financial assistance and regional planning grants in accordance with Title 30-A, chapter 187 may be carried forward for 2 years beyond the year in which those balances are encumbered. [PL 2005, c. 12, Pt. T, §5 (AMD).]

1. Carry-forward and transfer authorized.

[PL 1995, c. 464, §6 (RP).]

1-A. Total quality management efforts. Notwithstanding any other provision of law, upon the approval of the department or agency head, non-General Fund and non-Highway Fund accounts may contribute resources on an allocated basis to an administrative account for the support of department or agency total quality management efforts except that the provisions of section 1585 and Public Law 1993, chapter 410, Part A, section 25 or its successor apply.

[PL 1995, c. 464, §7 (NEW).]

2. General Fund Total Quality Management accounts; Highway Fund Total Quality Management accounts. After the close of each fiscal year, the Governor may request a General Fund appropriation, Highway Fund allocation or allocation from other available resources to a specific department, agency or to a statewide Total Quality Management account to carry out total quality management efforts in accordance with subsection 3.

[PL 1995, c. 464, §8 (RPR).]

2-A. Nonlapsing.

[PL 1995, c. 464, §9 (RP).]

2-B. Interdepartmental transfers authorized.

[PL 1995, c. 464, §9 (RP).]

3. Total quality management initiatives. Amounts appropriated or allocated to each departmentwide and statewide account in accordance with subsection 2 must be used for the payment of nonrecurring expenditures representing total quality management initiatives in the same department or agency or on a statewide basis, respectively.

[PL 2005, c. 397, Pt. A, §3 (RPR).]

3-A. Office of State Quality Management General Fund account established.

[PL 2005, c. 397, Pt. A, §4 (RP).]

3-B. General Fund positions; legislative count established.

[PL 1995, c. 368, Pt. HH, §4 (RP).]

3-C. Funding; general.

[PL 2005, c. 397, Pt. A, §5 (RP).]

4. Copies of proposals to Bureau of the Budget and Office of Fiscal and Program Review. Copies of each approved proposal for the expenditure of funds available in each departmentwide and statewide account in accordance with subsection 2 must be submitted from each department's or agency's quality management council to the Bureau of the Budget and the Office of Fiscal and Program Review.

[PL 1999, c. 668, §5 (AMD).]

5. Payments in accordance with allotments. Payments from each departmentwide and statewide account established in accordance with subsection 2 representing expenditures in support of approved proposals submitted to the Bureau of the Budget in accordance with subsection 4 will be authorized by the State Controller on the basis of allotments approved by the Governor in accordance with established law.

[PL 1993, c. 476, §2 (NEW).]

6. Report required. The Department of Administrative and Financial Services shall report to the joint standing committees of the Legislature having jurisdiction over state and local government matters and appropriations and financial affairs annually no later than February 1st, the following:

A. The total amount appropriated or allocated, by department, under this section; [PL 1999, c. 668, §6 (RPR).]

B. A description of initiatives submitted under subsection 4; and [PL 1999, c. 668, §6 (RPR).]

C. A recommendation from the Department of Administrative and Financial Services on any changes needed to further total quality management efforts in State Government. [PL 1999, c. 668, §6 (RPR).]

[PL 1999, c. 668, §6 (RPR).]

7. Sunset.

[PL 1993, c. 707, Pt. BB, §6 (RP).]