



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB3418

Introduced 2/22/2005, by Rep. Terry R. Parke

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/8h

30 ILCS 105/8j

Amends the State Finance Act. Provides that the Governor may, through June 30, 2005 (now, June 30, 2007), direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. Provides that no transfers may be made in this manner after June 30, 2005. On January 1, 2006, or as soon as may be practical after that date, the State Treasurer and the Comptroller shall reverse all transfers previously made under this authority unless the General Assembly has specifically authorized the transfers prior to that date. Places the same restrictions and requires the same reverse transfers with respect to the allocation and transfer of amounts generated by certain new and increased fees. Effective immediately.

LRB094 09566 RSP 39817 b

FISCAL NOTE ACT  
MAY APPLY

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 Sections 8h and 8j as follows:

6 (30 ILCS 105/8h)

7 Sec. 8h. Transfers to General Revenue Fund.

8 (a) Except as provided in subsection (b), notwithstanding  
9 any other State law to the contrary, the Governor may, through  
10 June 30, 2005 ~~2007~~, from time to time direct the State  
11 Treasurer and Comptroller to transfer a specified sum from any  
12 fund held by the State Treasurer to the General Revenue Fund in  
13 order to help defray the State's operating costs for the fiscal  
14 year. The total transfer under this Section from any fund in  
15 any fiscal year shall not exceed the lesser of (i) 8% of the  
16 revenues to be deposited into the fund during that fiscal year  
17 or (ii) an amount that leaves a remaining fund balance of 25%  
18 of the July 1 fund balance of that fiscal year. In fiscal year  
19 2005 only, prior to calculating the July 1, 2004 final  
20 balances, the Governor may calculate and direct the State  
21 Treasurer with the Comptroller to transfer additional amounts  
22 determined by applying the formula authorized in Public Act  
23 93-839 to the funds balances on July 1, 2003. No transfer may  
24 be made from a fund under this Section that would have the  
25 effect of reducing the available balance in the fund to an  
26 amount less than the amount remaining unexpended and unreserved  
27 from the total appropriation from that fund estimated to be  
28 expended for that fiscal year. This Section does not apply to  
29 any funds that are restricted by federal law to a specific use,  
30 to any funds in the Motor Fuel Tax Fund, the Hospital Provider  
31 Fund, the Medicaid Provider Relief Fund, or the Reviewing Court  
32 Alternative Dispute Resolution Fund, or to any funds to which

1 subsection (f) of Section 20-40 of the Nursing and Advanced  
2 Practice Nursing Act applies. Notwithstanding any other  
3 provision of this Section, for fiscal year 2004, the total  
4 transfer under this Section from the Road Fund or the State  
5 Construction Account Fund shall not exceed the lesser of (i) 5%  
6 of the revenues to be deposited into the fund during that  
7 fiscal year or (ii) 25% of the beginning balance in the fund.  
8 For fiscal year 2005 through fiscal year 2007, no amounts may  
9 be transferred under this Section from the Road Fund, the State  
10 Construction Account Fund, the Criminal Justice Information  
11 Systems Trust Fund, the Wireless Service Emergency Fund, or the  
12 Mandatory Arbitration Fund.

13 In determining the available balance in a fund, the  
14 Governor may include receipts, transfers into the fund, and  
15 other resources anticipated to be available in the fund in that  
16 fiscal year.

17 The State Treasurer and Comptroller shall transfer the  
18 amounts designated under this Section as soon as may be  
19 practicable after receiving the direction to transfer from the  
20 Governor.

21 (b) This Section does not apply to any fund established  
22 under the Community Senior Services and Resources Act.

23 (c) No transfers may be made under this Section after June  
24 30, 2005. On January 1, 2006, or as soon as may be practical  
25 after than date, the State Treasurer and the Comptroller shall  
26 reverse all transfers previously made under the authority of  
27 this Section unless the General Assembly has specifically  
28 authorized the transfers prior to that date.

29 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,  
30 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;  
31 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.  
32 1-15-05.)

33 (30 ILCS 105/8j)

34 Sec. 8j. Allocation and transfer of fee receipts to General  
35 Revenue Fund. ~~If and only if any one or more of Senate Bills~~

1 ~~774, 841, 842, and 1903 of the 93rd General Assembly become~~  
2 ~~law,~~ Notwithstanding any other law to the contrary, through  
3 June 30, 2005, additional amounts generated by the new and  
4 increased fees created or authorized by Public Acts 93-22,  
5 93-23, 93-24, and 93-32 ~~these amendatory Acts of the 93rd~~  
6 ~~General Assembly this amendatory Act of the 93rd General~~  
7 ~~Assembly and by Senate Bill 774, Senate Bill 841, and Senate~~  
8 ~~Bill 842 of the 93rd General Assembly, if those bills become~~  
9 ~~law,~~ shall be allocated between the fund otherwise entitled to  
10 receive the fee and the General Revenue Fund by the Governor's  
11 Office of Management and Budget ~~Bureau of the Budget~~. In  
12 determining the amount of the allocation to the General Revenue  
13 Fund, the Director of the Governor's Office of Management and  
14 Budget ~~Bureau of the Budget~~ shall calculate whether the  
15 available resources in the fund are sufficient to satisfy the  
16 unexpended and unreserved appropriations from the fund for the  
17 fiscal year.

18 In calculating the available resources in a fund, the  
19 Director of the Governor's Office of Management and Budget  
20 ~~Bureau of the Budget~~ may include receipts, transfers into the  
21 fund, and other resources anticipated to be available in the  
22 fund in that fiscal year.

23 Upon determining the amount of an allocation to the General  
24 Revenue Fund under this Section, the Director of the Governor's  
25 Office of Management and Budget ~~Bureau of the Budget~~ may direct  
26 the State Treasurer and Comptroller to transfer the amount of  
27 that allocation from the fund in which the fee amounts have  
28 been deposited to the General Revenue Fund; provided, however,  
29 that the Director shall not direct the transfer of any amount  
30 that would have the effect of reducing the available resources  
31 in the fund to an amount less than the amount remaining  
32 unexpended and unreserved from the total appropriation from  
33 that fund for that fiscal year.

34 The State Treasurer and Comptroller shall transfer the  
35 amounts designated under this Section as soon as may be  
36 practicable after receiving the direction to transfer from the

1 Director of the Governor's Office of Management and Budget  
2 ~~Bureau of the Budget.~~

3 After June 30, 2005, no funds may be allocated and  
4 transferred under this Section to the General Revenue Fund. On  
5 January 1, 2006, or as soon as may be practical after that  
6 date, the Treasurer and the Comptroller shall reverse all  
7 transfers previously made under the authority of this Section  
8 unless the General Assembly has specifically authorized the  
9 transfers prior to that date.

10 (Source: P.A. 93-25, eff. 6-20-03; 93-32, eff. 6-20-03; revised  
11 8-21-03.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.