



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3856

Introduced 2/25/2005, by Rep. Roger Jenisch - James H. Meyer -
Sidney H. Mathias - David R. Leitch - Bob Biggins, et al.

SYNOPSIS AS INTRODUCED:

30 ILCS 105/8h

Amends the State Finance Act. Provides that the Governor may, through June 30, 2005 (now, 2007), direct the State Treasurer and the Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund to defray operating costs for the current fiscal year. Provides that no amounts may be transferred from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Carrier Reimbursement Fund or the Mandatory Arbitration Fund (now, no amount may be transferred from those funds for FY05 through FY07). Effective immediately.

LRB094 07049 AJO 37193 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning State government.

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 8h 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 ~~this amendatory Act of the 93rd General Assembly~~ to the
24 funds balances on July 1, 2003. No transfer may be made from a
25 fund under this Section that would have the effect of reducing
26 the available balance in the fund to an amount less than the
27 amount remaining unexpended and unreserved from the total
28 appropriation from that fund estimated to be expended for that
29 fiscal year. This Section does not apply to any funds that are
30 restricted by federal law to a specific use, to any funds in
31 the Motor Fuel Tax Fund, the Hospital Provider Fund, ~~or~~ the
32 Medicaid Provider Relief Fund, or the Reviewing Court

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

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

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

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

24 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
25 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
26 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; revised
27 12-1-04.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.