

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 Sections 8h and 8j and by adding Section 8n as follows:

6 (30 ILCS 105/8h)

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

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

30 This Section does not apply to any funds that are
31 restricted by federal law to a specific use, to any funds in
32 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the

1 Hospital Provider Fund, the Medicaid Provider Relief Fund, the
2 Teacher Health Insurance Security Fund, the Reviewing Court
3 Alternative Dispute Resolution Fund, ~~or~~ the Voters' Guide Fund,
4 the Foreign Language Interpreter Fund, the Lawyers' Assistance
5 Program Fund, the Supreme Court Federal Projects Fund, the
6 Supreme Court Special State Projects Fund, ~~or~~ the Low-Level
7 Radioactive Waste Facility Development and Operation Fund, or
8 the Hospital Basic Services Preservation Fund, or to any funds
9 to which subsection (f) of Section 20-40 of the Nursing and
10 Advanced Practice Nursing Act applies. No transfers may be made
11 under this Section from the Pet Population Control Fund.

12 Notwithstanding any other provision of this Section, for
13 fiscal year 2004, the total transfer under this Section from
14 the Road Fund or the State Construction Account Fund shall not
15 exceed the lesser of (i) 5% of the revenues to be deposited
16 into the fund during that fiscal year or (ii) 25% of the
17 beginning balance in the fund. For fiscal year 2005 through
18 fiscal year 2007, no amounts may be transferred under this
19 Section from the Road Fund, the State Construction Account
20 Fund, the Criminal Justice Information Systems Trust Fund, the
21 Wireless Service Emergency Fund, or the Mandatory Arbitration
22 Fund.

23 In determining the available balance in a fund, the
24 Governor may include receipts, transfers into the fund, and
25 other resources anticipated to be available in the fund in that
26 fiscal year.

27 The State Treasurer and Comptroller shall transfer the
28 amounts designated under this Section as soon as may be
29 practicable after receiving the direction to transfer from the
30 Governor.

31 (a-5) Transfers directed to be made under this Section on
32 or before February 28, 2006 that are still pending on the
33 effective date of this amendatory Act of the 94th General
34 Assembly shall be redirected as provided in Section 8n of this
35 Act.

36 (b) This Section does not apply to: (i) the Ticket For The

1 Cure Fund; (ii) ~~or to~~ any fund established under the Community
2 Senior Services and Resources Act; or (iii) ~~(ii)~~ on or after
3 January 1, 2006 (the effective date of Public Act 94-511) ~~this~~
4 ~~amendatory Act of the 94th General Assembly~~, the Child Labor
5 and Day and Temporary Labor Enforcement Fund.

6 (c) This Section does not apply to the Demutualization
7 Trust Fund established under the Uniform Disposition of
8 Unclaimed Property Act.

9 (d) ~~(e)~~ This Section does not apply to moneys set aside in
10 the Illinois State Podiatric Disciplinary Fund for podiatric
11 scholarships and residency programs under the Podiatric
12 Scholarship and Residency Act.

13 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
14 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
15 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
16 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.
17 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,
18 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;
19 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; revised 1-23-06.)

20 (30 ILCS 105/8j)

21 Sec. 8j. Allocation and transfer of fee receipts to General
22 Revenue Fund. Except as otherwise provided in this Section and
23 Section 8n of this Act, and notwithstanding ~~Notwithstanding~~ any
24 other law to the contrary, additional amounts generated by the
25 new and increased fees created or authorized by Public Acts
26 93-22, 93-23, 93-24, and 93-32 shall be allocated between the
27 fund otherwise entitled to receive the fee and the General
28 Revenue Fund by the Governor ~~Governor's Office of Management~~
29 ~~and Budget~~. In determining the amount of the allocation to the
30 General Revenue Fund, the Governor ~~Director of the Governor's~~
31 ~~Office of Management and Budget~~ shall calculate whether the
32 available resources in the fund are sufficient to satisfy the
33 unexpended and unreserved appropriations from the fund for the
34 fiscal year.

35 In calculating the available resources in a fund, the

1 ~~Governor Director of the Governor's Office of Management and~~
2 ~~Budget~~ may include receipts, transfers into the fund, and other
3 resources anticipated to be available in the fund in that
4 fiscal year.

5 Upon determining the amount of an allocation to the General
6 Revenue Fund under this Section, the ~~Governor Director of the~~
7 ~~Governor's Office of Management and Budget~~ may direct the State
8 Treasurer and Comptroller to transfer the amount of that
9 allocation from the fund in which the fee amounts have been
10 deposited to the General Revenue Fund; provided, however, that
11 the ~~Governor Director~~ shall not direct the transfer of any
12 amount that would have the effect of reducing the available
13 resources in the fund to an amount less than the amount
14 remaining unexpended and unreserved from the total
15 appropriation from that fund for that fiscal year.

16 The State Treasurer and Comptroller shall transfer the
17 amounts designated under this Section as soon as may be
18 practicable after receiving the direction to transfer from the
19 ~~Governor Director of the Governor's Office of Management and~~
20 ~~Budget~~.

21 This Section does not apply to the Demutualization Trust
22 Fund established under the Uniform Disposition of Unclaimed
23 Property Act.

24 Transfers directed to be made under this Section on or
25 before February 28, 2006 that are still pending on the
26 effective date of this amendatory Act of the 94th General
27 Assembly shall be redirected as provided in Section 8n of this
28 Act.

29 (Source: P.A. 93-25, eff. 6-20-03; 93-32, eff. 6-20-03; 94-686,
30 eff. 11-2-05.)

31 (30 ILCS 105/8n new)

32 Sec. 8n. Redirected fund transfers.

33 (a) Transfers directed to be made under Section 8h of this
34 Act on or before February 28, 2006 that are still pending on
35 the effective date of this amendatory Act of the 94th General

1 Assembly shall be redirected and completed as provided in
2 subsections (c) and (d) of this Section.

3 (b) Transfers directed to be made under Section 8j of this
4 Act on or before February 28, 2006 that are still pending on
5 the effective date of this amendatory Act of the 94th General
6 Assembly shall be redirected and completed as provided in
7 subsections (c) and (d) of this Section.

8 (c) The first \$250,000,000 of transfers that are subject to
9 redirection under this Section shall be redirected as follows:

10 (1) one-third of each amount directed to be transferred
11 to the General Revenue Fund shall be transferred to the
12 Drug Rebate Fund instead of the General Revenue Fund;

13 (2) one-third of each amount directed to be transferred
14 to the General Revenue Fund shall be transferred to the
15 Hospital Provider Fund instead of the General Revenue Fund;

16 and

17 (3) one-third of each amount directed to be transferred
18 to the General Revenue Fund shall be transferred to the
19 Long-term Care Provider Fund instead of the General Revenue
20 Fund.

21 If the aggregate amount of all transfers that are subject
22 to redirection under this Section exceeds \$250,000,000, the
23 excess over that amount shall be transferred to the General
24 Revenue Fund.

25 (d) All transfers redirected by this Section must be
26 completed by the State Comptroller and State Treasurer within 7
27 days after the effective date of this amendatory Act of the
28 94th General Assembly.

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