



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB5786

Introduced 04/28/06, by Rep. JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

30 ILCS 105/8h

Amends the State Finance Act. Exempts the following funds from the Act's administrative charge-back provisions: the Illinois Beach Marina Fund; the State Boating Act Fund; the State Parks Fund; the Wildlife and Fish Fund; the Park and Conservation Fund; and the Wildlife Prairie Park Fund. Effective immediately.

LRB094 20384 BDD 58535 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 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, 2007, from time to time direct the State Treasurer and
11 Comptroller to transfer a specified sum from any fund held by
12 the State Treasurer to the General Revenue Fund in order to
13 help defray the State's operating costs for the fiscal year.
14 The total transfer under this Section from any fund in any
15 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 Intercity
31 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid
32 Provider Relief Fund, the Teacher Health Insurance Security

1 Fund, the Reviewing Court Alternative Dispute Resolution Fund,
2 ~~or~~ the Voters' Guide Fund, the Foreign Language Interpreter
3 Fund, the Lawyers' Assistance Program Fund, the Supreme Court
4 Federal Projects Fund, the Supreme Court Special State Projects
5 Fund, ~~or~~ the Low-Level Radioactive Waste Facility Development
6 and Operation Fund, or the Hospital Basic Services Preservation
7 Fund, or to any funds to which subsection (f) of Section 20-40
8 of the Nursing and Advanced Practice Nursing Act applies. No
9 transfers may be made under this Section from the Pet
10 Population Control Fund. Notwithstanding any other provision
11 of this Section, for fiscal year 2004, the total transfer under
12 this Section from the Road Fund or the State Construction
13 Account Fund shall not exceed the lesser of (i) 5% of the
14 revenues to be deposited into the fund during that fiscal year
15 or (ii) 25% of the beginning balance in the fund. For fiscal
16 year 2005 through fiscal year 2007, no amounts may be
17 transferred under this Section from the Road Fund, the State
18 Construction Account Fund, the Criminal Justice Information
19 Systems Trust Fund, the Wireless Service Emergency Fund, or the
20 Mandatory Arbitration Fund.

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

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

29 (b) This Section does not apply to: (i) the Ticket For The
30 Cure Fund; (ii) ~~or to~~ any fund established under the Community
31 Senior Services and Resources Act; or (iii) ~~(ii)~~ on or after
32 January 1, 2006 (the effective date of Public Act 94-511) ~~this~~
33 ~~amendatory Act of the 94th General Assembly~~, the Child Labor
34 and Day and Temporary Labor Enforcement Fund.

35 (c) This Section does not apply to the Demutualization
36 Trust Fund established under the Uniform Disposition of

1 Unclaimed Property Act.

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

6 (e) In order to protect the State's natural resources,
7 promote tourism, and enhance economic development, this
8 Section does not apply to the Illinois Beach Marina Fund, the
9 State Boating Act Fund, the State Parks Fund, the Wildlife and
10 Fish Fund, the Park and Conservation Fund, or the Wildlife
11 Prairie Park Fund.

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.