

# HB1002



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB1002

Introduced 2/10/2009, by Rep. Raymond Poe

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/8h

Amends the State Finance Act. Excludes the Illinois Historic Sites Fund from a Section of the Act that allows the Governor to make transfers from certain special funds into the General Revenue Fund. Effective immediately.

LRB096 03066 RLJ 13081 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 otherwise provided in this Section and  
9 Section 8n of this Act, and notwithstanding any other State law  
10 to the contrary, the Governor may, through June 30, 2007, from  
11 time to time direct the State Treasurer and Comptroller to  
12 transfer a specified sum from any fund held by the State  
13 Treasurer to the General Revenue Fund in order to help defray  
14 the State's operating costs for the fiscal year. The total  
15 transfer under this Section from any fund in any fiscal year  
16 shall not exceed the lesser of (i) 8% of the revenues to be  
17 deposited into the fund during that fiscal year or (ii) an  
18 amount that leaves a remaining fund balance of 25% of the July  
19 1 fund balance of that fiscal year. In fiscal year 2005 only,  
20 prior to calculating the July 1, 2004 final balances, the  
21 Governor may calculate and direct the State Treasurer with the  
22 Comptroller to transfer additional amounts determined by  
23 applying the formula authorized in Public Act 93-839 to the

1 funds balances on July 1, 2003. No transfer may be made from a  
2 fund under this Section that would have the effect of reducing  
3 the available balance in the fund to an amount less than the  
4 amount remaining unexpended and unreserved from the total  
5 appropriation from that fund estimated to be expended for that  
6 fiscal year. This Section does not apply to any funds that are  
7 restricted by federal law to a specific use, to any funds in  
8 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the  
9 Hospital Provider Fund, the Medicaid Provider Relief Fund, the  
10 Teacher Health Insurance Security Fund, the Reviewing Court  
11 Alternative Dispute Resolution Fund, the Voters' Guide Fund,  
12 the Foreign Language Interpreter Fund, the Lawyers' Assistance  
13 Program Fund, the Supreme Court Federal Projects Fund, the  
14 Supreme Court Special State Projects Fund, the Supplemental  
15 Low-Income Energy Assistance Fund, the Good Samaritan Energy  
16 Trust Fund, the Low-Level Radioactive Waste Facility  
17 Development and Operation Fund, the Horse Racing Equity Trust  
18 Fund, the Metabolic Screening and Treatment Fund, or the  
19 Hospital Basic Services Preservation Fund, or to any funds to  
20 which Section 70-50 of the Nurse Practice Act applies. No  
21 transfers may be made under this Section from the Pet  
22 Population Control Fund. Notwithstanding any other provision  
23 of this Section, for fiscal year 2004, the total transfer under  
24 this Section from the Road Fund or the State Construction  
25 Account Fund shall not exceed the lesser of (i) 5% of the  
26 revenues to be deposited into the fund during that fiscal year

1 or (ii) 25% of the beginning balance in the fund. For fiscal  
2 year 2005 through fiscal year 2007, no amounts may be  
3 transferred under this Section from the Road Fund, the State  
4 Construction Account Fund, the Criminal Justice Information  
5 Systems Trust Fund, the Wireless Service Emergency Fund, or the  
6 Mandatory Arbitration Fund.

7 In determining the available balance in a fund, the  
8 Governor may include receipts, transfers into the fund, and  
9 other resources anticipated to be available in the fund in that  
10 fiscal year.

11 The State Treasurer and Comptroller shall transfer the  
12 amounts designated under this Section as soon as may be  
13 practicable after receiving the direction to transfer from the  
14 Governor.

15 (a-5) Transfers directed to be made under this Section on  
16 or before February 28, 2006 that are still pending on May 19,  
17 2006 (the effective date of Public Act 94-774) shall be  
18 redirected as provided in Section 8n of this Act.

19 (b) This Section does not apply to: (i) the Ticket For The  
20 Cure Fund; (ii) any fund established under the Community Senior  
21 Services and Resources Act; or (iii) on or after January 1,  
22 2006 (the effective date of Public Act 94-511), the Child Labor  
23 and Day and Temporary Labor Enforcement Fund.

24 (c) This Section does not apply to the Demutualization  
25 Trust Fund established under the Uniform Disposition of  
26 Unclaimed Property Act.

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

5 (e) Subsection (a) does not apply to, and no transfer may  
6 be made under this Section from, the Pension Stabilization  
7 Fund.

8 (f) Subsection (a) does not apply to, and no transfer may  
9 be made under this Section from, the Illinois Power Agency  
10 Operations Fund, the Illinois Power Agency Facilities Fund, the  
11 Illinois Power Agency Debt Service Fund, and the Illinois Power  
12 Agency Trust Fund.

13 (g) This Section does not apply to the Veterans Service  
14 Organization Reimbursement Fund.

15 (h) This Section does not apply to the Supreme Court  
16 Historic Preservation Fund.

17 (i) This Section does not apply to, and no transfer may be  
18 made under this Section from, the Money Follows the Person  
19 Budget Transfer Fund.

20 (j) This Section does not apply to the Illinois Historic  
21 Sites Fund.

22 (Source: P.A. 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511,  
23 eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05;  
24 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff.  
25 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773,  
26 eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06;

1 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-410, eff.  
2 8-24-07; 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639,  
3 eff. 10-5-07; 95-695, eff. 11-5-07; 95-744, eff. 7-18-08;  
4 95-876, eff. 8-21-08.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.