



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB2536**

Introduced 2/18/2005, by Rep. Rosemary Mulligan

**SYNOPSIS AS INTRODUCED:**

30 ILCS 105/8h

Amends the State Finance Act. Provides that at least 30 days before the Governor makes certain transfers, he or she must give advance written notice of the transfer to the Commission on Government Forecasting and Accountability, the State Comptroller, and the State Treasurer. Prohibits the State Comptroller and State Treasurer from making any such transfer until 30 days after that notice has been given. Effective immediately.

LRB094 10200 EFG 40467 b

FISCAL NOTE ACT  
MAY APPLY

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

1 Resolution Fund, or to any funds to which subsection (f) of  
2 Section 20-40 of the Nursing and Advanced Practice Nursing Act  
3 applies. Notwithstanding any other provision of this Section,  
4 for fiscal year 2004, the total transfer under this Section  
5 from the Road Fund or the State Construction Account Fund shall  
6 not exceed the lesser of (i) 5% of the revenues to be deposited  
7 into the fund during that fiscal year or (ii) 25% of the  
8 beginning balance in the fund. For fiscal year 2005 through  
9 fiscal year 2007, no amounts may be transferred under this  
10 Section from the Road Fund, the State Construction Account  
11 Fund, the Criminal Justice Information Systems Trust Fund, the  
12 Wireless Service Emergency Fund, or the Mandatory Arbitration  
13 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 (c) At least 30 days before the Governor makes any transfer  
25 under this Section, he or she must give advance written notice  
26 of the transfer to the Commission on Government Forecasting and  
27 Accountability, the State Comptroller, and the State  
28 Treasurer. The State Comptroller and State Treasurer shall not  
29 make any such transfer until 30 days after that notice has been  
30 given.

31 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,  
32 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;  
33 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.  
34 1-15-05.)

35 Section 99. Effective date. This Act takes effect upon

1 becoming law.