



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB4332

Introduced 12/29/2005, by Rep. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/8h

Amends the State Finance Act. In the Act's administrative charge-back provisions, provides that, if, during the preceding fiscal year, any amount was transferred from a fund containing moneys collected from any fee imposed by the State or by a State agency, then, each person who pays that fee at any time during the current fiscal year must be notified of the transfer at the time that he or she pays that fee. Sets forth requirements for the notice. Effective immediately.

LRB094 15675 BDD 51755 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) If, during the preceding fiscal year, any amount was  
3 transferred under this Section from a fund containing moneys  
4 collected from any fee imposed by the State or by a State  
5 agency, then, each person who pays that fee at any time during  
6 the current fiscal year must be notified of the transfer at the  
7 time that he or she pays that fee. The notice must set forth:

8 (1) the name of the fund from which the moneys are  
9 transferred;

10 (2) the amount transferred;

11 (3) the percentage of the balance of the fund that was  
12 transferred; and

13 (4) the amount of fees deposited into the fund during  
14 the preceding fiscal year.

15 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,  
16 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;  
17 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.  
18 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.  
19 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,  
20 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;  
21 94-691, eff. 11-2-05; revised 11-15-05.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.