

# HB0324



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0324

Introduced 1/22/2007, 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.

LRB095 04433 RCE 24478 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 ~~(c), (d), or (e)~~, notwithstanding  
10 any other State law to the contrary, the Governor may, through  
11 June 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

1 93-839 to the funds balances on July 1, 2003. No transfer may  
2 be made from a fund under this Section that would have the  
3 effect of reducing the available balance in the fund to an  
4 amount less than the amount remaining unexpended and unreserved  
5 from the total appropriation from that fund estimated to be  
6 expended for that fiscal year. This Section does not apply to  
7 any funds that are restricted by federal law to a specific use,  
8 to any funds in the Motor Fuel Tax Fund, the Intercity  
9 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid  
10 Provider Relief Fund, the Teacher Health Insurance Security  
11 Fund, the Reviewing Court Alternative Dispute Resolution Fund,  
12 the Voters' Guide Fund, the Foreign Language Interpreter Fund,  
13 the Lawyers' Assistance Program Fund, the Supreme Court Federal  
14 Projects Fund, the Supreme Court Special State Projects Fund,  
15 the Supplemental Low-Income Energy Assistance Fund, the Good  
16 Samaritan Energy Trust Fund, the Low-Level Radioactive Waste  
17 Facility Development and Operation Fund, the Horse Racing  
18 Equity Trust Fund, or the Hospital Basic Services Preservation  
19 Fund, or to any funds to which subsection (f) of Section 20-40  
20 of the Nursing and Advanced Practice Nursing 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) ~~this amendatory~~  
18 ~~Act of the 94th General Assembly~~ shall be redirected as  
19 provided in Section 8n of this Act.

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

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

1 Unclaimed Property Act.

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

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

9 (f) If, during the preceding fiscal year, any amount was  
10 transferred under this Section from a fund containing moneys  
11 collected from any fee imposed by the State or by a State  
12 agency, then, each person who pays that fee at any time during  
13 the current fiscal year must be notified of the transfer at the  
14 time that he or she pays that fee. The notice must set forth:

15 (1) the name of the fund from which the moneys are  
16 transferred;

17 (2) the amount transferred;

18 (3) the percentage of the balance of the fund that was  
19 transferred; and

20 (4) the amount of fees deposited into the fund during  
21 the preceding fiscal year.

22 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,  
23 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;  
24 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.  
25 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.  
26 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,

1 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;  
2 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773, eff.  
3 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839,  
4 eff. 6-6-06; revised 6-19-06.)

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