

HB0911



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0911

Introduced 02/10/09, by Rep. Thomas Holbrook

SYNOPSIS AS INTRODUCED:

30 ILCS 105/8.8b
30 ILCS 105/8h

from Ch. 127, par. 144.8b

Amends the State Finance Act. Provides that the Grade Crossing Protection Fund is not subject to sweeps, administrative charges, or charge-backs or any other fiscal or budgetary maneuver that would in any way transfer any funds from the Grade Crossing Protection Fund into any other fund of the State unless specifically authorized by law. Effective immediately.

LRB096 04823 RCE 14888 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 Sections 8.8b and 8h as follows:

6 (30 ILCS 105/8.8b) (from Ch. 127, par. 144.8b)

7 Sec. 8.8b. Transfers from Grade Crossing Protection Fund.

8 (a) In addition to any other permitted use of moneys in the
9 Fund, and notwithstanding any restriction on the use of the
10 Fund, moneys in the Grade Crossing Protection Fund may be
11 transferred to the General Revenue Fund as authorized by Public
12 Act 87-14. The General Assembly finds that an excess of moneys
13 existed in the Fund on July 30, 1991, and the Governor's order
14 of July 30, 1991, requesting the Comptroller and Treasurer to
15 transfer an amount from the Fund to the General Revenue Fund is
16 hereby validated.

17 (b) On and after the effective date of this amendatory Act
18 of the 96th General Assembly, the Grade Crossing Protection
19 Fund is not subject to sweeps, administrative charges, or
20 charge-backs, including but not limited to those authorized
21 under Section 8h of the State Finance Act, or any other fiscal
22 or budgetary maneuver that would in any way transfer any funds
23 from the Grade Crossing Protection Fund into any other fund of

1 the State unless specifically authorized by law.

2 (Source: P.A. 90-372, eff. 7-1-98.)

3 (30 ILCS 105/8h)

4 Sec. 8h. Transfers to General Revenue Fund.

5 (a) Except as otherwise provided in this Section and
6 Section 8n of this Act, and notwithstanding any other State law
7 to the contrary, the Governor may, through June 30, 2007, from
8 time to time direct the State Treasurer and Comptroller to
9 transfer a specified sum from any fund held by the State
10 Treasurer to the General Revenue Fund in order to help defray
11 the State's operating costs for the fiscal year. The total
12 transfer under this Section from any fund in any fiscal year
13 shall not exceed the lesser of (i) 8% of the revenues to be
14 deposited into the fund during that fiscal year or (ii) an
15 amount that leaves a remaining fund balance of 25% of the July
16 1 fund balance of that fiscal year. In fiscal year 2005 only,
17 prior to calculating the July 1, 2004 final balances, the
18 Governor may calculate and direct the State Treasurer with the
19 Comptroller to transfer additional amounts determined by
20 applying the formula authorized in Public Act 93-839 to the
21 funds balances on July 1, 2003. No transfer may be made from a
22 fund under this Section that would have the effect of reducing
23 the available balance in the fund to an amount less than the
24 amount remaining unexpended and unreserved from the total
25 appropriation from that fund estimated to be expended for that

1 fiscal year. This Section does not apply to any funds that are
2 restricted by federal law to a specific use, to any funds in
3 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the
4 Hospital Provider Fund, the Medicaid Provider Relief Fund, the
5 Teacher Health Insurance Security Fund, the Reviewing Court
6 Alternative Dispute Resolution Fund, the Voters' Guide Fund,
7 the Foreign Language Interpreter Fund, the Lawyers' Assistance
8 Program Fund, the Supreme Court Federal Projects Fund, the
9 Supreme Court Special State Projects Fund, the Supplemental
10 Low-Income Energy Assistance Fund, the Good Samaritan Energy
11 Trust Fund, the Low-Level Radioactive Waste Facility
12 Development and Operation Fund, the Horse Racing Equity Trust
13 Fund, the Metabolic Screening and Treatment Fund, or the
14 Hospital Basic Services Preservation Fund, or to any funds to
15 which Section 70-50 of the Nurse Practice Act applies. No
16 transfers may be made under this Section from the Pet
17 Population Control Fund. Notwithstanding any other provision
18 of this Section, for fiscal year 2004, the total transfer under
19 this Section from the Road Fund or the State Construction
20 Account Fund shall not exceed the lesser of (i) 5% of the
21 revenues to be deposited into the fund during that fiscal year
22 or (ii) 25% of the beginning balance in the fund. For fiscal
23 year 2005 through fiscal year 2007, no amounts may be
24 transferred under this Section from the Road Fund, the State
25 Construction Account Fund, the Criminal Justice Information
26 Systems Trust Fund, the Wireless Service Emergency Fund, or the

1 Mandatory Arbitration Fund.

2 In determining the available balance in a fund, the
3 Governor may include receipts, transfers into the fund, and
4 other resources anticipated to be available in the fund in that
5 fiscal year.

6 The State Treasurer and Comptroller shall transfer the
7 amounts designated under this Section as soon as may be
8 practicable after receiving the direction to transfer from the
9 Governor.

10 (a-5) Transfers directed to be made under this Section on
11 or before February 28, 2006 that are still pending on May 19,
12 2006 (the effective date of Public Act 94-774) shall be
13 redirected as provided in Section 8n of this Act.

14 (b) This Section does not apply to: (i) the Ticket For The
15 Cure Fund; (ii) any fund established under the Community Senior
16 Services and Resources Act; or (iii) on or after January 1,
17 2006 (the effective date of Public Act 94-511), the Child Labor
18 and Day and Temporary Labor Enforcement Fund.

19 (c) This Section does not apply to the Demutualization
20 Trust Fund established under the Uniform Disposition of
21 Unclaimed Property Act.

22 (d) This Section does not apply to moneys set aside in the
23 Illinois State Podiatric Disciplinary Fund for podiatric
24 scholarships and residency programs under the Podiatric
25 Scholarship and Residency Act.

26 (e) Subsection (a) does not apply to, and no transfer may

1 be made under this Section from, the Pension Stabilization
2 Fund.

3 (f) Subsection (a) does not apply to, and no transfer may
4 be made under this Section from, the Illinois Power Agency
5 Operations Fund, the Illinois Power Agency Facilities Fund, the
6 Illinois Power Agency Debt Service Fund, and the Illinois Power
7 Agency Trust Fund.

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

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

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

15 (j) This Section does not apply to the Grade Crossing
16 Protection Fund.

17 (Source: P.A. 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511,
18 eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05;
19 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff.
20 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773,
21 eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06;
22 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-410, eff.
23 8-24-07; 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639,
24 eff. 10-5-07; 95-695, eff. 11-5-07; 95-744, eff. 7-18-08;
25 95-876, eff. 8-21-08.)

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

1 becoming law.