



Rep. Scott Drury

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LRB098 03171 JWD 43449 a

1 AMENDMENT TO HOUSE BILL 353

2 AMENDMENT NO. _____. Amend House Bill 353 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Fiscal Integrity of Special State Funds Commission Act.

6 Section 5. Findings and purpose. The General Assembly finds
7 that:

8 (a) The State of Illinois currently has over 700 special
9 funds within the State treasury, collecting funds from a wide
10 range of sources specified in their respective enabling laws.

11 (b) From Fiscal Years 2004 through 2007, the Illinois State
12 Budget was funded in part by administrative chargebacks
13 totaling over \$700 million. From Fiscal Years 2003 through
14 2010, legislatively authorized transfers known as fund sweeps
15 totaled over \$1.2 billion, with an additional \$1 billion in
16 other fund transfers being made during those same fiscal years.

1 In Fiscal Year 2011, consolidated services transfers exceeded
2 \$179 million, and inter-fund borrowing exceeded \$496 million.

3 (c) Currently, four statutes protect specific funds from
4 transfers, chargebacks and other forms of fund sweeps. In the
5 2013 Spring Session of the 98th General Assembly, 2
6 constitutional amendment resolutions and 34 bills and
7 amendments have been filed that include language protecting
8 certain funds from transfers, chargebacks and other forms of
9 fund sweeps.

10 (d) Notwithstanding the impact of Public Act 96-958, which
11 requires the repayment of certain fund transfers within 18
12 months from the date of transfer, the annual budget of the
13 State of Illinois remains dependent in part on various forms of
14 transfers and borrowing from special funds in the State
15 treasury.

16 Section 10. Fiscal Integrity of Special State Funds
17 Commission.

18 (a) There is created the Fiscal Integrity of Special State
19 Funds Commission. The Commission shall have 10 voting members
20 appointed as follows:

21 One member of the General Assembly, who shall serve as
22 co-chairperson, and one member of the public appointed by
23 the President of the Senate;

24 One member of the General Assembly and one member of
25 the public appointed by the Minority Leader of the Senate;

1 One member of the General Assembly, who shall serve as
2 co-chairperson, and one member of the public appointed by
3 the Speaker of the House of Representatives;

4 One member of the General Assembly and one member of
5 the public appointed by the Minority Leader of the House of
6 Representatives; and

7 2 members appointed by the Governor.

8 The State Comptroller, or his or her designee, the
9 State Treasurer, or his or her designee, and the Director
10 of the Department of Revenue, or his or her designee, shall
11 serve as non-voting, ex-officio members of the Commission.

12 (b) The co-chairpersons may appoint such other individuals
13 as they may deem helpful as non-voting members of the
14 Commission.

15 (c) The members of the Commission shall serve without
16 compensation, but may be reimbursed for expenses from funds
17 appropriated for that purpose.

18 (d) The Department of Revenue shall provide administrative
19 support, together with meeting space, to assist the Commission
20 in fulfilling its mission. The Governor's Office of Management
21 and Budget and the Commission on Government Forecasting and
22 Accountability shall provide information and assistance, as
23 requested, to the Commission in fulfilling its mission.

24 Section 15. Meetings.

25 (a) The Commission shall conduct monthly meetings,

1 conference calls, or both, and shall conduct at least 2 public
2 hearings, as the co-chairpersons shall direct, before filing
3 its final written findings and recommendations as provided in
4 Section 25 of this Act. Additional public hearings may be held
5 at the discretion of the co-chairpersons.

6 (b) The public hearings shall be held at geographically
7 convenient locations around the State. The locations, dates,
8 and times of the hearings shall be determined by the
9 co-chairpersons on a schedule that is publicly announced no
10 less than 3 weeks in advance of each hearing. All hearings
11 shall be completed at least 2 months prior to the time for
12 submission of the final written findings and recommendations as
13 provided in Section 25 of this Act.

14 (c) At the public hearings, the Commission shall allow
15 interested persons to present their views and comments and to
16 present any written literature, statements, articles, or
17 comments. Based on attendance and time frames, the Commission
18 may set limits on the time each speaker may comment. These
19 hearings may be continued if all persons cannot be heard.

20 Section 20. Activities and purpose.

21 (a) The Commission shall conduct a thorough review of the
22 use of various forms of transfers and borrowing from special
23 funds in the State treasury in constructing the annual budget
24 for the State of Illinois.

25 (b) The Commission shall also conduct an analysis of the

1 effect of Public Act 96-958 on special fund transfers since it
2 took effect on July 1, 2010.

3 (c) The Commission shall also conduct a review of the use
4 of various forms of fund transfers by other states in their
5 annual budgeting processes.

6 (d) Through a review of budget documents including budget
7 implementation legislation, the public hearings required in
8 Section 15 of this Act and otherwise, the Commission shall
9 gather information, review studies, evaluate testimony, and
10 consider and summarize written comments received, and shall
11 make written findings and recommendations as required in
12 Section 25 of this Act.

13 Section 25. Report; legislation.

14 (a) The Commission shall make its report to the General
15 Assembly on or before December 31, 2014. The report of the
16 Commission shall detail those findings and recommendations
17 supported by a majority of the voting members.

18 (b) The findings and recommendations shall include, but are
19 not limited to:

20 (1) A comparison of the specific purposes (as set forth
21 in statute or rule) for which funds are being collected
22 with the purposes for which funds are being used upon
23 transfer out of their respective special funds in the State
24 treasury.

25 (2) A determination of whether certain special funds

1 should be consolidated, and the findings and criteria upon
2 which such recommendations were made.

3 (3) A determination of whether adjustments should be
4 made to the collection of moneys through special funds,
5 identifying the specific funds and the findings and
6 criteria upon which such recommendations were made.

7 (4) Identification of replacement sources of revenue
8 to balance any loss of revenue that would result from the
9 Commission's other recommendations.

10 (5) A determination of whether a consolidated budget
11 including some or all of the special funds should be
12 prepared and publicly available on an annual basis.

13 (c) In addition to the report, the Commission shall provide
14 to the General Assembly its recommendations in the form of
15 legislation. The Legislative Reference Bureau shall provide
16 drafting assistance to the Commission.

17 Section 30. Repealer. This Act is repealed on December 31,
18 2015.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.".