



Rep. Ron Stephens

Filed: 4/12/2005

09400HB3157ham002

LRB094 07825 RAS 45058 a

1 AMENDMENT TO HOUSE BILL 3157

2 AMENDMENT NO. _____. Amend House Bill 3157 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Drug
5 Test Sample Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Public Health.

8 "Scheduled drug" means a drug scheduled under the Illinois
9 Controlled Substances Act.

10 Section 10. Drug test samples; per-test fee. If and only if
11 House Bill 3513 of the 94th General Assembly or House Bill 2446
12 of the 94th General Assembly becomes law, the Department of
13 Public Health shall impose and collect an \$8 fee upon urine,
14 hair, skin, cells, or bodily secretions or substances submitted
15 within the State for testing conducted to detect the presence
16 of any scheduled drug. This fee shall be imposed upon samples
17 that are physically tested outside of the State for the purpose
18 of detecting any scheduled drug if the sample was taken within
19 the State.

20 Section 15. Use of funds. Each entity performing tests for
21 scheduled drugs shall report to the Department the number of
22 samples submitted within the State and, pursuant to Section 10

1 of this Act, shall submit the collected fee for each sample to
2 the Department. The Methamphetamine Treatment Fund and the
3 Autism Community-Based Residential Services Fund are created
4 as special funds in the State treasury. The Department shall
5 deposit two-thirds of the moneys collected from the fee into
6 the Methamphetamine Treatment Fund. Private donations and
7 grants from foundations may also be deposited into the
8 Methamphetamine Treatment Fund. If and only if House Bill 3513
9 of the 94th General Assembly becomes law, moneys in the
10 Methamphetamine Treatment Fund shall be used, subject to
11 appropriation, by the Department of Human Services to fund
12 grants to providers of services for methamphetamine addicts and
13 community outreach and education programs established under
14 the Alcoholism and Other Drug Abuse and Dependency Act. The
15 Department shall deposit one-third of the moneys collected from
16 the fee into the Autism Community-Based Residential Services
17 Fund. Private donations and grants from foundations may also be
18 deposited into the Autism Community-Based Residential Services
19 Fund. If and only if House Bill 2446 of the 94th General
20 Assembly becomes law, moneys in the Autism Community-Based
21 Residential Services Fund shall be used, subject to
22 appropriation, by the Department of Human Services to fund the
23 pilot program to provide community-based residential services
24 to individuals with severe autism who are 21 years of age or
25 older established under the Developmental Disability and
26 Mental Disability Services Act.

27 Section 20. Rulemaking. The Department shall adopt any
28 rules necessary for the implementation and administration of
29 this Act.

30 Section 90. The State Finance Act is amended by adding
31 Sections 5.640 and 5.641 and by changing Section 8h as follows:

1 (30 ILCS 105/5.640 new)

2 Sec. 5.640. The Methamphetamine Treatment Fund.

3 (30 ILCS 105/5.641 new)

4 Sec. 5.641. The Autism Community-Based Residential
5 Services Fund.

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 Hospital Provider
31 Fund, the Medicaid Provider Relief Fund, the Methamphetamine
32 Treatment Fund, the Autism Community-Based Residential

1 Services Fund, or the Reviewing Court Alternative Dispute
2 Resolution Fund, or to any funds to which subsection (f) of
3 Section 20-40 of the Nursing and Advanced Practice Nursing Act
4 applies. Notwithstanding any other provision of this Section,
5 for fiscal year 2004, the total transfer under this Section
6 from the Road Fund or the State Construction Account Fund shall
7 not exceed the lesser of (i) 5% of the revenues to be deposited
8 into the fund during that fiscal year or (ii) 25% of the
9 beginning balance in the fund. For fiscal year 2005 through
10 fiscal year 2007, no amounts may be transferred under this
11 Section from the Road Fund, the State Construction Account
12 Fund, the Criminal Justice Information Systems Trust Fund, the
13 Wireless Service Emergency Fund, or the Mandatory Arbitration
14 Fund.

15 In determining the available balance in a fund, the
16 Governor may include receipts, transfers into the fund, and
17 other resources anticipated to be available in the fund in that
18 fiscal year.

19 The State Treasurer and Comptroller shall transfer the
20 amounts designated under this Section as soon as may be
21 practicable after receiving the direction to transfer from the
22 Governor.

23 (b) This Section does not apply to any fund established
24 under the Community Senior Services and Resources Act.

25 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
26 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
27 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
28 1-15-05.)

29 Section 99. Effective date. This Act takes effect upon
30 becoming law."