



Rep. Renée Kosel

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09500HB0246ham004

LRB095 04883 KBJ 35455 a

1 AMENDMENT TO HOUSE BILL 246

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 246 on page 11,  
3 immediately below line 14, by inserting the following:

4 "(5) Any bar that can provide written documentation  
5 that less than 10% of its total revenue comes from food, a  
6 casino, or a private club that can provide written  
7 documentation that three-fifth's of its active members  
8 approve of smoking on the club's premises, so long as the  
9 bar, casino, or private club satisfies the following  
10 requirements:

11 (A) The entity must obtain a permit from the  
12 Department allowing smoking within the establishment.  
13 A fee shall be required for the permit in the amount of  
14 \$1 per square foot of the establishment requesting the  
15 permit. Entities requesting the permit shall submit  
16 documentation of the square footage with the  
17 submission of the application for the permit. The  
18 entity must annually reapply for the permit. The

1 Department shall deposit the application fees for the  
2 permit into the Teen Smoking Cessation Fund. The Teen  
3 Smoking Cessation Fund is created as a special fund in  
4 the State treasury. All money in the Teen Smoking  
5 Cessation Fund shall be used, subject to  
6 appropriation, by the Department for teen smoking  
7 cessation programs.

8 (B) The entity receiving the permit must post signs  
9 notifying the public that smoking is allowed in the  
10 establishment. The signs must be uniform and be at  
11 least two feet by two feet in size. The signs must be  
12 posted at every entrance to the establishment. If the  
13 establishment posts the signs without obtaining a  
14 permit from the Department, the establishment shall be  
15 subject to a fine equal to 4 times the amount of the  
16 permit fee for that establishment."; and

17 on page 14, by inserting the following immediately below line  
18 10:

19 "Section 78. The State Finance Act is amended by adding  
20 Section 5.675 and changing Section 8h as follows:

21 (30 ILCS 105/5.675 new)

22 Sec. 5.675. The Teen Smoking Cessation Fund.

1 (30 ILCS 105/8h)

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

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

1 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid  
2 Provider Relief Fund, the Teacher Health Insurance Security  
3 Fund, the Reviewing Court Alternative Dispute Resolution Fund,  
4 the Voters' Guide Fund, the Foreign Language Interpreter Fund,  
5 the Lawyers' Assistance Program Fund, the Supreme Court Federal  
6 Projects Fund, the Supreme Court Special State Projects Fund,  
7 the Supplemental Low-Income Energy Assistance Fund, the Good  
8 Samaritan Energy Trust Fund, the Low-Level Radioactive Waste  
9 Facility Development and Operation Fund, the Teen Smoking  
10 Cessation Fund, the Horse Racing Equity Trust Fund, or the  
11 Hospital Basic Services Preservation Fund, or to any funds to  
12 which subsection (f) of Section 20-40 of the Nursing and  
13 Advanced Practice Nursing Act applies. No transfers may be made  
14 under this Section from the Pet Population Control Fund.  
15 Notwithstanding any other provision of this Section, for fiscal  
16 year 2004, the total transfer under this Section from the Road  
17 Fund or the State Construction Account Fund shall not exceed  
18 the lesser of (i) 5% of the revenues to be deposited into the  
19 fund during that fiscal year or (ii) 25% of the beginning  
20 balance in the fund. For fiscal year 2005 through fiscal year  
21 2007, no amounts may be transferred under this Section from the  
22 Road Fund, the State Construction Account Fund, the Criminal  
23 Justice Information Systems Trust Fund, the Wireless Service  
24 Emergency Fund, or the Mandatory Arbitration Fund.

25 In determining the available balance in a fund, the  
26 Governor may include receipts, transfers into the fund, and

1 other resources anticipated to be available in the fund in that  
2 fiscal year.

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

7 (a-5) Transfers directed to be made under this Section on  
8 or before February 28, 2006 that are still pending on May 19,  
9 2006 (the effective date of Public Act 94-774) ~~this amendatory~~  
10 ~~Act of the 94th General Assembly~~ shall be redirected as  
11 provided in Section 8n of this Act.

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

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

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

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

1 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,  
2 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;  
3 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.  
4 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.  
5 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,  
6 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;  
7 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773, eff.  
8 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839,  
9 eff. 6-6-06; revised 6-19-06.)".