



Rep. David E. Miller

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09500HB2253ham001

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1 AMENDMENT TO HOUSE BILL 2253

2 AMENDMENT NO. _____. Amend House Bill 2253 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. If, and only if, the provisions of House Bill
5 750 of the 95th General Assembly become law, then the State
6 Finance Act is amended by changing Section 8h and by adding
7 Sections 5.675 and 6z-69 as follows:

8 (30 ILCS 105/5.675 new)

9 Sec. 5.675. The Human Services Cost-Of-Doing-Business
10 Fund.

11 (30 ILCS 105/6z-69 new)

12 Sec. 6z-69. The Human Services Cost-Of-Doing-Business
13 Fund.

14 (a) The inclusion of certain services into the definition
15 of "sale at retail" in the Retailers' Occupation Tax Act as

1 amended by House Bill 750 of the 95th General Assembly will
2 lead to increased revenues to the State, much of which will be
3 deposited into the General Revenue Fund. It is the intention of
4 this Section to apply a portion of those increased revenues for
5 the purpose of purchase of care contracts and grant agreements
6 to further assist the citizens of Illinois.

7 (b) The Human Services Cost-Of-Doing-Business Fund is
8 created as a special fund in the State treasury. Moneys in the
9 Fund may be used only for the purposes of an annual
10 cost-of-doing-business adjustment, as set forth under
11 subsection (d).

12 (c) Each State fiscal year, beginning with the first fiscal
13 year that begins after the effective date of House Bill 750 of
14 the 95th General Assembly, the State Treasurer shall transfer
15 to the Fund, from the General Revenue Fund, the amount of
16 \$175,000,000, adjusted annually after the first full fiscal
17 year for which the Fund is established based upon the
18 Employment Cost Index. Moneys received for the purposes of this
19 Section, including, without limitation, transfers,
20 appropriations, and gifts, grants, and awards from any public
21 or private entity must be deposited into the Fund. Any interest
22 earnings that are attributable to moneys in the Fund must be
23 deposited into the Fund.

24 (d) The moneys in the Fund shall be used, subject to
25 appropriation, to provide for all or part of an annual 3% cost
26 of doing business adjustment for purchase of care contracts and

1 grant agreements entered into between (i) the Department of
2 Children and Family Services, the Department of Human Services,
3 the Department of Public Health, the Department of Healthcare
4 and Family Services, the Department on Aging, the Office of the
5 Attorney General, the Department of Corrections, the
6 Department of Juvenile Justice, or the Department of Commerce
7 and Economic Opportunity and (ii) a private community-based
8 contractual provider or grantee.

9 (e) The Fund is not subject to sweeps, administrative
10 charges, or charge-backs, including but not limited to, those
11 authorized under Section 8h of the State Finance Act or any
12 other fiscal or budgetary maneuver that would in any way
13 transfer any funds from the Fund into any other fund of the
14 State.

15 (f) As used in this Section:

16 "Employment Cost Index" has the meaning set forth in
17 Section 4 of the General Assembly Compensation Act.

18 "Grant" has the meaning set forth in Section 1-15.42 of the
19 Illinois Procurement Code.

20 "Purchase of care contract" means a contract between a
21 State officer or agency and a private provider under which
22 rates for services are set in accordance with a formula that
23 takes personnel, supplies, and other allowable costs into
24 account. The term "purchase of care contract" does not include
25 any contract for a provider of medical services.

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 Horse Racing
10 Equity Trust Fund, or the Hospital Basic Services Preservation
11 Fund, or to any funds to which subsection (f) of Section 20-40
12 of the Nursing and Advanced Practice Nursing Act applies. No
13 transfers may be made under this Section from the Pet
14 Population Control Fund. Notwithstanding any other provision
15 of this Section, for fiscal year 2004, the total transfer under
16 this Section from the Road Fund or the State Construction
17 Account Fund shall not exceed the lesser of (i) 5% of the
18 revenues to be deposited into the fund during that fiscal year
19 or (ii) 25% of the beginning balance in the fund. For fiscal
20 year 2005 through fiscal year 2007, no amounts may be
21 transferred under this Section from the Road Fund, the State
22 Construction Account Fund, the Criminal Justice Information
23 Systems Trust Fund, the Wireless Service Emergency Fund, or the
24 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 This Section does not apply to the Human Services
2 Cost-Of-Doing-Business Fund.

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

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."