

SB1433



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1433

Introduced 2/18/2009, by Sen. A. J. Wilhelmi

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.630 rep.

30 ILCS 105/8h

705 ILCS 25/3

710 ILCS 40/10

from Ch. 37, par. 27

Amends the State Finance Act, Appellate Court Act, and Reviewing Court Alternative Dispute Resolution Act. Eliminates the Reviewing Court Alternative Dispute Resolution Fund. Provides that any balance in the Fund shall be transferred into the Mandatory Arbitration Fund.

LRB096 07709 RCE 17810 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 (30 ILCS 105/5.630 rep.)

5 Section 5. The State Finance Act is amended by repealing
6 Section 5.630.

7 Section 10. The State Finance Act is amended by changing
8 Section 8h as follows:

9 (30 ILCS 105/8h)

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

11 (a) Except as otherwise provided in this Section and
12 Section 8n of this Act, and notwithstanding any other State law
13 to the contrary, the Governor may, through June 30, 2007, from
14 time to time direct the State Treasurer and Comptroller to
15 transfer a specified sum from any fund held by the State
16 Treasurer to the General Revenue Fund in order to help defray
17 the State's operating costs for the fiscal year. The total
18 transfer under this Section from any fund in any fiscal year
19 shall not exceed the lesser of (i) 8% of the revenues to be
20 deposited into the fund during that fiscal year or (ii) an
21 amount that leaves a remaining fund balance of 25% of the July
22 1 fund balance of that fiscal year. In fiscal year 2005 only,

1 prior to calculating the July 1, 2004 final balances, the
2 Governor may calculate and direct the State Treasurer with the
3 Comptroller to transfer additional amounts determined by
4 applying the formula authorized in Public Act 93-839 to the
5 funds balances on July 1, 2003. No transfer may be made from a
6 fund under this Section that would have the effect of reducing
7 the available balance in the fund to an amount less than the
8 amount remaining unexpended and unreserved from the total
9 appropriation from that fund estimated to be expended for that
10 fiscal year. This Section does not apply to any funds that are
11 restricted by federal law to a specific use, to any funds in
12 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the
13 Hospital Provider Fund, the Medicaid Provider Relief Fund, the
14 Teacher Health Insurance Security Fund, ~~the Reviewing Court~~
15 ~~Alternative Dispute Resolution Fund,~~ the Voters' Guide Fund,
16 the Foreign Language Interpreter Fund, the Lawyers' Assistance
17 Program Fund, the Supreme Court Federal Projects Fund, the
18 Supreme Court Special State Projects Fund, the Supplemental
19 Low-Income Energy Assistance Fund, the Good Samaritan Energy
20 Trust Fund, the Low-Level Radioactive Waste Facility
21 Development and Operation Fund, the Horse Racing Equity Trust
22 Fund, the Metabolic Screening and Treatment Fund, or the
23 Hospital Basic Services Preservation Fund, or to any funds to
24 which Section 70-50 of the Nurse Practice Act applies. No
25 transfers may be made under this Section from the Pet
26 Population Control Fund. Notwithstanding any other provision

1 of this Section, for fiscal year 2004, the total transfer under
2 this Section from the Road Fund or the State Construction
3 Account Fund shall not exceed the lesser of (i) 5% of the
4 revenues to be deposited into the fund during that fiscal year
5 or (ii) 25% of the beginning balance in the fund. For fiscal
6 year 2005 through fiscal year 2007, no amounts may be
7 transferred under this Section from the Road Fund, the State
8 Construction Account Fund, the Criminal Justice Information
9 Systems Trust Fund, the Wireless Service Emergency Fund, or the
10 Mandatory Arbitration Fund.

11 In determining the available balance in a fund, the
12 Governor may include receipts, transfers into the fund, and
13 other resources anticipated to be available in the fund in that
14 fiscal year.

15 The State Treasurer and Comptroller shall transfer the
16 amounts designated under this Section as soon as may be
17 practicable after receiving the direction to transfer from the
18 Governor.

19 (a-5) Transfers directed to be made under this Section on
20 or before February 28, 2006 that are still pending on May 19,
21 2006 (the effective date of Public Act 94-774) shall be
22 redirected as provided in Section 8n of this Act.

23 (b) This Section does not apply to: (i) the Ticket For The
24 Cure Fund; (ii) any fund established under the Community Senior
25 Services and Resources Act; or (iii) on or after January 1,
26 2006 (the effective date of Public Act 94-511), the Child Labor

1 and Day and Temporary Labor Enforcement Fund.

2 (c) This Section does not apply to the Demutualization
3 Trust Fund established under the Uniform Disposition of
4 Unclaimed Property Act.

5 (d) This Section does not apply to moneys set aside in the
6 Illinois State Podiatric Disciplinary Fund for podiatric
7 scholarships and residency programs under the Podiatric
8 Scholarship and Residency Act.

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

12 (f) Subsection (a) does not apply to, and no transfer may
13 be made under this Section from, the Illinois Power Agency
14 Operations Fund, the Illinois Power Agency Facilities Fund, the
15 Illinois Power Agency Debt Service Fund, and the Illinois Power
16 Agency Trust Fund.

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

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

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

24 (Source: P.A. 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511,
25 eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05;
26 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff.

1 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773,
2 eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06;
3 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-410, eff.
4 8-24-07; 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639,
5 eff. 10-5-07; 95-695, eff. 11-5-07; 95-744, eff. 7-18-08;
6 95-876, eff. 8-21-08.)

7 Section 15. The Appellate Court Act is amended by changing
8 Section 3 as follows:

9 (705 ILCS 25/3) (from Ch. 37, par. 27)

10 Sec. 3. Clerk's salary - destruction of records. The
11 ordinary and contingent expenses of operating the offices of
12 the clerks of the branches of the Appellate Court, including
13 salaries, shall be determined by the Supreme Court and paid
14 from the State Treasury on the warrant of the Comptroller out
15 of appropriations made for that purpose by the General
16 Assembly. The clerk of each branch of the appellate court shall
17 perform the duties usually devolving upon clerks of courts in
18 this State, and shall provide books, stationery and seals for
19 the appellate courts, and shall be entitled to receive the same
20 fees for services in each branch of the appellate court as are
21 allowed for like services in the Supreme Court. All fees paid
22 to or received by any such clerk shall be paid into the State
23 treasury as required by Section 2 of "An Act in relation to the
24 payment and disposition of moneys received by officers and

1 employees of the State of Illinois by virtue of their office or
2 employment", approved June 9, 1911, as amended, except that any
3 filing fees designated by Supreme Court Rule for alternative
4 dispute resolution programs in the reviewing courts as provided
5 in the Reviewing Court Alternative Dispute Resolution Act
6 shall, within one month after receipt, be remitted to the State
7 Treasurer for deposit in the Mandatory Arbitration ~~Reviewing~~
8 ~~Court Alternative Dispute Resolution~~ Fund.

9 The clerks shall, on the order and under the direction of
10 the court, destroy any or all the records certified by the
11 clerk (or a judge) of a trial court in cases finally decided
12 more than 21 years prior to the entry of the order.

13 (Source: P.A. 93-801, eff. 7-22-04.)

14 Section 20. The Reviewing Court Alternative Dispute
15 Resolution Act is amended by changing Section 10 as follows:

16 (710 ILCS 40/10)

17 Sec. 10. Reviewing Court Alternative Dispute Resolution
18 Fund; Mandatory Arbitration Fund. The Reviewing Court
19 Alternative Dispute Resolution Fund is eliminated. The
20 Comptroller shall order and the Treasurer shall transfer all
21 moneys in the Fund on the effective date of this amendatory Act
22 of the 96th General Assembly into the Mandatory Arbitration
23 Fund. ~~created as a special fund in the State Treasury. The~~
24 ~~Supreme Court may designate an amount to be included in the~~

1 ~~filing fees collected by the clerks of the Appellate Court for~~
2 ~~the funding of alternative dispute resolution programs in the~~
3 ~~reviewing courts. The portion of the filing fees designated for~~
4 ~~alternative dispute resolution programs in the reviewing~~
5 ~~courts shall be remitted within one month after receipt to the~~
6 ~~State Treasurer for deposit in the Reviewing Court Alternative~~
7 ~~Dispute Resolution Fund. All money in the Reviewing Court~~
8 ~~Alternative Dispute Resolution Fund shall be maintained in~~
9 ~~separate accounts for each Appellate Court district that has~~
10 ~~established approved alternative dispute resolution programs~~
11 ~~pursuant to Supreme Court rule and used, subject to~~
12 ~~appropriation, by the Supreme Court solely for the purpose of~~
13 ~~funding alternative dispute resolution programs in the~~
14 ~~reviewing courts. Notwithstanding any other provision of this~~
15 ~~Section, the Reviewing Court Alternative Dispute Resolution~~
16 ~~Fund may be used for any other purpose authorized by the~~
17 ~~Supreme Court.~~

18 (Source: P.A. 95-707, eff. 1-11-08.)