

1 AN ACT in relation to tobacco.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The State Finance Act is amended by changing  
5 Section 6z-43 as follows:

6 (30 ILCS 105/6z-43)

7 Sec. 6z-43. Tobacco Settlement Recovery Fund.

8 (a) There is created in the State Treasury a special  
9 fund to be known as the Tobacco Settlement Recovery Fund,  
10 into which shall be deposited all monies paid to the State  
11 pursuant to (1) the Master Settlement Agreement entered in  
12 the case of People of the State of Illinois v. Philip Morris,  
13 et al. (Circuit Court of Cook County, No. 96-L13146) and (2)  
14 any settlement with or judgment against any tobacco product  
15 manufacturer other than one participating in the Master  
16 Settlement Agreement in satisfaction of any released claim as  
17 defined in the Master Settlement Agreement, as well as any  
18 other monies as provided by law. All earnings on Fund  
19 investments shall be deposited into the Fund. Upon the  
20 creation of the Fund, the State Comptroller shall order the  
21 State Treasurer to transfer into the Fund any monies paid to  
22 the State as described in item (1) or (2) of this Section  
23 before the creation of the Fund plus any interest earned on  
24 the investment of those monies. The State Treasurer may  
25 invest the moneys in the Fund in the same manner, in the same  
26 types of investments, and subject to the same limitations  
27 provided in the Illinois Pension Code for the investment of  
28 pension funds other than those established under Article 3 or  
29 4 of the Code.

30 (b) As soon as may be practical after June 30, 2001,  
31 upon notification from and at the direction of the Governor,

1 the State Comptroller shall direct and the State Treasurer  
2 shall transfer the unencumbered balance in the Tobacco  
3 Settlement Recovery Fund as of June 30, 2001, as determined  
4 by the Governor, into the Budget Stabilization Fund. The  
5 Treasurer may invest the moneys in the Budget Stabilization  
6 Fund in the same manner, in the same types of investments,  
7 and subject to the same limitations provided in the Illinois  
8 Pension Code for the investment of pension funds other than  
9 those established under Article 3 or 4 of the Code.

10 (c) In addition to any other deposits authorized by law,  
11 after any delivery of any bonds as authorized by Section 7.5  
12 of the General Obligation Bond Act for deposits to the  
13 General Revenue Fund and the Budget Stabilization Fund  
14 (referred to as "tobacco securitization general obligation  
15 bonds"), the Governor shall certify, on or before June 30,  
16 2003 and June 30 of each year thereafter, to the State  
17 Comptroller and State Treasurer the total amount of principal  
18 of, interest on, and premium, if any, due on those bonds in  
19 the next fiscal year beginning with amounts due in fiscal  
20 year 2004. As soon as practical after the annual payment of  
21 tobacco settlement moneys to the Tobacco Settlement Recovery  
22 Fund as described in item (1) of subsection (a), the State  
23 Treasurer and State Comptroller shall transfer from the  
24 Tobacco Settlement Recovery Fund to the General Obligation  
25 Bond Retirement and Interest Fund the amount certified by the  
26 Governor, plus any cumulative deficiency in those transfers  
27 for prior years.

28 (d) ~~(e)~~ All federal financial participation moneys  
29 received pursuant to expenditures from the Fund shall be  
30 deposited into the Fund.

31 (Source: P.A. 91-646, eff. 11-19-99; 91-704, eff. 7-1-00;  
32 91-797, eff. 6-9-00; 92-11, eff. 6-11-01; 92-16, eff.  
33 6-28-01; 92-596, eff. 6-28-02; 92-597, eff. 6-28-02; revised  
34 9-3-02.)