



## 95TH GENERAL ASSEMBLY

### State of Illinois

### 2007 and 2008

### HB6707

by Rep. William B. Black

#### SYNOPSIS AS INTRODUCED:

- 20 ILCS 835/4d new
- 30 ILCS 105/5.750 new
- 30 ILCS 105/8h
- 40 ILCS 5/7-129.14 new
- 40 ILCS 5/14-105.8 new
- 40 ILCS 5/14-152.1

Amends the State Parks Act, the State Finance Act, and the Illinois Pension Code. Requires the Department of Natural Resources to lease to the Vermilion county Conservation District, for one dollar, Kickapoo State Park, Harry "Babe" Woodyard State Natural Area, and Middlefork State Fish and Wildlife Area for their operation and management for 2 years. Requires a specified level of State appropriations for the District's use, and authorizes the District to retain revenues generated by the parks. Permits lease renewals. Creates a special fund in the State treasury for appropriations for the parks, and exempts the fund from fund sweeps. Provides that a Department employee assigned to Kickapoo State Park who then works for the Vermilion county Conservation District during the lease and subsequently returns to employment with the Department (i) retains his or her prior seniority within the Department and (ii) may apply for transfer of retirement fund creditable service accumulated during employment with the conservation district. Effective immediately.

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FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

1 AN ACT concerning State government.

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

4 Section 5. The State Parks Act is amended by adding Section  
5 4d as follows:

6 (20 ILCS 835/4d new)

7 Sec. 4d. Lease of State parks to Vermilion County  
8 Conservation District; trust fund.

9 (a) For the purposes of this Section:

10 (1) "Department" means the Department of Natural  
11 Resources.

12 (2) "District" means the Vermilion County Conservation  
13 District.

14 (3) "Parks" means Kickapoo State Park, Harry "Babe"  
15 Woodyard State Natural Area, and Middlefork State Fish and  
16 Wildlife Area.

17 (b) Notwithstanding any other provision of this Act or any  
18 other law, as soon as possible after the effective date of this  
19 amendatory Act of the 95th General Assembly, the Department  
20 shall lease Kickapoo State Park, Harry "Babe" Woodyard State  
21 Natural Area, and Middlefork State Fish and Wildlife Area to  
22 the Vermilion County Conservation District for operation and  
23 management of those parks by the District, upon payment by the

1 District of one dollar and subject to the following conditions:

2 (1) The lease shall terminate 2 years after the  
3 effective date of this amendatory Act of the 95th General  
4 Assembly, except that the lease may be renewed at that time  
5 for a period agreed upon by the Department and District.

6 (2) The District shall retain all revenues generated  
7 during the lease and any lease renewal from the operation  
8 of the parks.

9 (3) For each 12-month period of the lease and any lease  
10 renewal, before the conclusion of each such 12-month  
11 period, the District shall receive State appropriations  
12 for the operation and management of the parks in an amount  
13 at least equal to the Department's fiscal year 2007 total  
14 aggregate expenditures with respect to the parks. Those  
15 appropriations may be made from the trust fund established  
16 in subsection (c).

17 (c) The Kickapoo State Park Trust Fund is established as a  
18 special fund in the State treasury. The trust fund may receive  
19 moneys from any lawful public or private source, and interest  
20 accrued thereon shall be deposited into the trust Fund. Moneys  
21 in the trust fund shall be appropriated only for use by the  
22 District in the operation and management of the parks during  
23 the lease or any lease renewal. Unobligated moneys remaining in  
24 the trust Fund after the lease or any lease renewal shall be  
25 appropriated only for use by the Department in the operation  
26 and management of the parks. This trust fund is exempt from any

1 sweep, transfer, or other budgetary maneuver that may result in  
2 the use of the trust fund's moneys for a purpose other than the  
3 operation or management of the parks.

4 (d) A person employed by the Department and assigned to  
5 work at Kickapoo State Park until November 2, 2008, who is then  
6 employed by the District and assigned to work at Kickapoo State  
7 Park during the lease or any lease renewal and who is  
8 subsequently employed by the Department after the lease or any  
9 lease renewal shall have the same employment seniority within  
10 the Department that the person had immediately before November  
11 2, 2008, and may apply for transfer of retirement fund  
12 creditable service as provided in Sections 7-129.14 and  
13 14-105.8 of the Illinois Pension Code.

14 Section 10. The State Finance Act is amended by changing  
15 Section 8h and by adding Section 5.750 as follows:

16 (30 ILCS 105/5.750 new)

17 Sec. 5.750. Kickapoo State Park Trust Fund.

18 (30 ILCS 105/8h)

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

20 (a) Except as otherwise provided in this Section and  
21 Section 8n of this Act, and notwithstanding any other State law  
22 to the contrary, the Governor may, through June 30, 2007, from  
23 time to time direct the State Treasurer and Comptroller to

1 transfer a specified sum from any fund held by the State  
2 Treasurer to the General Revenue Fund in order to help defray  
3 the State's operating costs for the fiscal year. The total  
4 transfer under this Section from any fund in any fiscal year  
5 shall not exceed the lesser of (i) 8% of the revenues to be  
6 deposited into the fund during that fiscal year or (ii) an  
7 amount that leaves a remaining fund balance of 25% of the July  
8 1 fund balance of that fiscal year. In fiscal year 2005 only,  
9 prior to calculating the July 1, 2004 final balances, the  
10 Governor may calculate and direct the State Treasurer with the  
11 Comptroller to transfer additional amounts determined by  
12 applying the formula authorized in Public Act 93-839 to the  
13 funds balances on July 1, 2003. No transfer may be made from a  
14 fund under this Section that would have the effect of reducing  
15 the available balance in the fund to an amount less than the  
16 amount remaining unexpended and unreserved from the total  
17 appropriation from that fund estimated to be expended for that  
18 fiscal year. This Section does not apply to any funds that are  
19 restricted by federal law to a specific use, to any funds in  
20 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the  
21 Hospital Provider Fund, the Medicaid Provider Relief Fund, the  
22 Teacher Health Insurance Security Fund, the Reviewing Court  
23 Alternative Dispute Resolution Fund, the Voters' Guide Fund,  
24 the Foreign Language Interpreter Fund, the Lawyers' Assistance  
25 Program Fund, the Supreme Court Federal Projects Fund, the  
26 Supreme Court Special State Projects Fund, the Supplemental

1 Low-Income Energy Assistance Fund, the Good Samaritan Energy  
2 Trust Fund, the Low-Level Radioactive Waste Facility  
3 Development and Operation Fund, the Horse Racing Equity Trust  
4 Fund, the Metabolic Screening and Treatment Fund, or the  
5 Hospital Basic Services Preservation Fund, or to any funds to  
6 which Section 70-50 of the Nurse Practice Act applies. No  
7 transfers may be made under this Section from the Pet  
8 Population Control Fund. Notwithstanding any other provision  
9 of this Section, for fiscal year 2004, the total transfer under  
10 this Section from the Road Fund or the State Construction  
11 Account Fund shall not exceed the lesser of (i) 5% of the  
12 revenues to be deposited into the fund during that fiscal year  
13 or (ii) 25% of the beginning balance in the fund. For fiscal  
14 year 2005 through fiscal year 2007, no amounts may be  
15 transferred under this Section from the Road Fund, the State  
16 Construction Account Fund, the Criminal Justice Information  
17 Systems Trust Fund, the Wireless Service Emergency Fund, or the  
18 Mandatory Arbitration Fund.

19 In determining the available balance in a fund, the  
20 Governor may include receipts, transfers into the fund, and  
21 other resources anticipated to be available in the fund in that  
22 fiscal year.

23 The State Treasurer and Comptroller shall transfer the  
24 amounts designated under this Section as soon as may be  
25 practicable after receiving the direction to transfer from the  
26 Governor.

1 (a-5) Transfers directed to be made under this Section on  
2 or before February 28, 2006 that are still pending on May 19,  
3 2006 (the effective date of Public Act 94-774) shall be  
4 redirected as provided in Section 8n of this Act.

5 (b) This Section does not apply to: (i) the Ticket For The  
6 Cure Fund; (ii) any fund established under the Community Senior  
7 Services and Resources Act; or (iii) on or after January 1,  
8 2006 (the effective date of Public Act 94-511), the Child Labor  
9 and Day and Temporary Labor Enforcement Fund.

10 (c) This Section does not apply to the Demutualization  
11 Trust Fund established under the Uniform Disposition of  
12 Unclaimed Property Act.

13 (d) This Section does not apply to moneys set aside in the  
14 Illinois State Podiatric Disciplinary Fund for podiatric  
15 scholarships and residency programs under the Podiatric  
16 Scholarship and Residency Act.

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

20 (f) Subsection (a) does not apply to, and no transfer may  
21 be made under this Section from, the Illinois Power Agency  
22 Operations Fund, the Illinois Power Agency Facilities Fund, the  
23 Illinois Power Agency Debt Service Fund, and the Illinois Power  
24 Agency Trust Fund.

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

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

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

6 (j) This Section does not apply to the Kickapoo State Park  
7 Trust Fund.

8 (Source: P.A. 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511,  
9 eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05;  
10 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff.  
11 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773,  
12 eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06;  
13 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-410, eff.  
14 8-24-07; 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639,  
15 eff. 10-5-07; 95-695, eff. 11-5-07; 95-744, eff. 7-18-08;  
16 95-876, eff. 8-21-08.)

17 Section 15. The Illinois Pension Code is amended by adding  
18 Sections 7-129.14 and 14-105.8 and changing Section 14-152.1 as  
19 follows:

20 (40 ILCS 5/7-129.14 new)

21 Sec. 7-129.14. Transfer to Article 14; Kickapoo State Park.  
22 An active member of the State Employees' Retirement System who  
23 (i) is an employee of the Department of Natural Resources and  
24 (ii) was an employee of the Department of Natural Resources



1 prior to employment under this Article with the Vermilion  
2 County Conservation District at Kickapoo State Park, may apply  
3 for transfer of his or her creditable service accumulated under  
4 this Article for service with the Vermilion County Conservation  
5 District to the State Employees' Retirement System within 6  
6 months after his or her re-employment with the Department of  
7 Natural Resources. At the time of the transfer the Fund shall  
8 pay to the State Employees' Retirement System an amount equal  
9 to:

10 (1) the amounts accumulated to the credit of the  
11 applicant for such service on the books of the Fund on the  
12 date of transfer; and

13 (2) the corresponding employer credits, including  
14 interest, on the books of the Fund on the date of transfer.

15 Participation in this Fund with respect to the transferred  
16 credits shall terminate on the date of transfer.

17 (40 ILCS 5/14-105.8 new)

18 Sec. 14-105.8. Transfer from Article 7; Kickapoo State  
19 Park. An active member of this System who (i) is an employee of  
20 the Department of Natural Resources and (ii) was an employee of  
21 the Department of Natural Resources prior to employment with  
22 the Vermilion County Conservation District at Kickapoo State  
23 Park, may apply for transfer of his or her creditable service  
24 accumulated under the Illinois Municipal Retirement Fund  
25 Article for service with the Vermilion County Conservation

1 District to the State Employees' Retirement System within 6  
2 months after his or her re-employment with the Department of  
3 Natural Resources. Payment by the Illinois Municipal  
4 Retirement Fund to this System shall be made at the same time  
5 and shall consist of amounts specified in Section 7-139.14 of  
6 this Code. This payment by the Illinois Municipal Retirement  
7 Fund shall be deemed to satisfy the amount that would have been  
8 required if the member had participated in this Fund during the  
9 period for which credit is being transferred and the member  
10 shall not be required to make any further payment or have his  
11 or her creditable service reduced in any manner.

12 (40 ILCS 5/14-152.1)

13 Sec. 14-152.1. Application and expiration of new benefit  
14 increases.

15 (a) As used in this Section, "new benefit increase" means  
16 an increase in the amount of any benefit provided under this  
17 Article, or an expansion of the conditions of eligibility for  
18 any benefit under this Article, that results from an amendment  
19 to this Code that takes effect after June 1, 2005 (the  
20 effective date of Public Act 94-4) ~~this amendatory Act of the~~  
21 ~~94th General Assembly~~. "New benefit increase", however, does  
22 not include any benefit increase resulting from the changes  
23 made by this amendatory Act of the 95th General Assembly.

24 (b) Notwithstanding any other provision of this Code or any  
25 subsequent amendment to this Code, every new benefit increase

1 is subject to this Section and shall be deemed to be granted  
2 only in conformance with and contingent upon compliance with  
3 the provisions of this Section.

4 (c) The Public Act enacting a new benefit increase must  
5 identify and provide for payment to the System of additional  
6 funding at least sufficient to fund the resulting annual  
7 increase in cost to the System as it accrues.

8 Every new benefit increase is contingent upon the General  
9 Assembly providing the additional funding required under this  
10 subsection. The Commission on Government Forecasting and  
11 Accountability shall analyze whether adequate additional  
12 funding has been provided for the new benefit increase and  
13 shall report its analysis to the Public Pension Division of the  
14 Department of Financial and Professional Regulation. A new  
15 benefit increase created by a Public Act that does not include  
16 the additional funding required under this subsection is null  
17 and void. If the Public Pension Division determines that the  
18 additional funding provided for a new benefit increase under  
19 this subsection is or has become inadequate, it may so certify  
20 to the Governor and the State Comptroller and, in the absence  
21 of corrective action by the General Assembly, the new benefit  
22 increase shall expire at the end of the fiscal year in which  
23 the certification is made.

24 (d) Every new benefit increase shall expire 5 years after  
25 its effective date or on such earlier date as may be specified  
26 in the language enacting the new benefit increase or provided

1 under subsection (c). This does not prevent the General  
2 Assembly from extending or re-creating a new benefit increase  
3 by law.

4 (e) Except as otherwise provided in the language creating  
5 the new benefit increase, a new benefit increase that expires  
6 under this Section continues to apply to persons who applied  
7 and qualified for the affected benefit while the new benefit  
8 increase was in effect and to the affected beneficiaries and  
9 alternate payees of such persons, but does not apply to any  
10 other person, including without limitation a person who  
11 continues in service after the expiration date and did not  
12 apply and qualify for the affected benefit while the new  
13 benefit increase was in effect.

14 (Source: P.A. 94-4, eff. 6-1-05.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.