



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4595

by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

See Index

Creates the Finance Emergency Budget Implementation Act of 2009. Amends the Illinois Administrative Procedure Act to authorize emergency rulemaking that is not subject to complete JCAR oversight and to suspend rules while duties under a statute are suspended. Amends the State Finance Act. Provides that for the fiscal year ending June 30, 2010, the annual amount required for transfers from the General Revenue Fund to each of the special funds from which payments are to be made under certain provisions of the Horse Racing Act of 1975 shall not exceed 92% (instead of 100%) of the annual amount for those payments from that special fund for the calendar year 1998 for the Agricultural Premium Fund; the Fair and Exposition Fund; the Standardbred Breeders Fund; and the Thoroughbred Breeders Fund. Provides that an annual \$5,000,000 transfer from the General Revenue Fund to the Comprehensive Regional Planning Fund shall end on June 30, 2009. Amends the Downstate Public Transportation Act. Provides that the monthly transfer of certain use and occupation tax revenue from the General Revenue Fund to the Downstate Public Transportation Fund and the Metro-East Public Transportation Fund shall end on June 30, 2009. Provides that any moneys remaining in the Downstate Public Transportation Fund or the Metro-East Public Transportation Fund after the final payments have been made to participants in each fiscal year shall be transferred to the General Revenue Fund. Amends the Regional Transportation Authority Act. In a Section concerning the Public Transportation Fund, provides that specified transfers of moneys from the General Revenue Fund to the Public Transportation Fund end June 30, 2009. Repeals the State Facilities Closure Act. Contains a severability clause. Effective immediately.

LRB096 13379 RCE 28097 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning budget implementation.

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

4 Section 1. Short title. This Act may be cited as the
5 Finance Emergency Budget Implementation Act of 2009.

6 Section 5. Legislative intent. The General Assembly hereby
7 finds and declares that the State is confronted with an
8 unprecedented fiscal crisis. This Act is to be liberally
9 construed and interpreted in a manner that allows the State to
10 address the fiscal crisis for the fiscal year ending June 30,
11 2010.

12 Section 10. The Illinois Administrative Procedure Act is
13 amended by changing Section 5-45 and by adding Section 1-100 as
14 follows:

15 (5 ILCS 100/1-100 new)

16 Sec. 1-100. Suspension of existing rules. During the period
17 July 1, 2009 through June 30, 2010, a State agency shall not
18 enforce rules that implement or are authorized by a statute to
19 the extent that the duties under that statute have been
20 suspended by law by the General Assembly or by Executive Order
21 of the Governor during that same time period. If the suspension

1 of the duties under a statute is terminated or revoked during
2 the period July 1, 2009 through June 30, 2010, the State agency
3 shall enforce the rules upon the termination or revocation of
4 the suspension.

5 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

6 Sec. 5-45. Emergency rulemaking.

7 (a) "Emergency" means the existence of any situation that
8 any agency finds reasonably constitutes a threat to the public
9 interest, safety, or welfare.

10 (b) If any agency finds that an emergency exists that
11 requires adoption of a rule upon fewer days than is required by
12 Section 5-40 and states in writing its reasons for that
13 finding, the agency may adopt an emergency rule without prior
14 notice or hearing upon filing a notice of emergency rulemaking
15 with the Secretary of State under Section 5-70. The notice
16 shall include the text of the emergency rule and shall be
17 published in the Illinois Register. Consent orders or other
18 court orders adopting settlements negotiated by an agency may
19 be adopted under this Section. Subject to applicable
20 constitutional or statutory provisions, an emergency rule
21 becomes effective immediately upon filing under Section 5-65 or
22 at a stated date less than 10 days thereafter. The agency's
23 finding and a statement of the specific reasons for the finding
24 shall be filed with the rule. The agency shall take reasonable
25 and appropriate measures to make emergency rules known to the

1 persons who may be affected by them.

2 (c) An emergency rule may be effective for a period of not
3 longer than 150 days, but the agency's authority to adopt an
4 identical rule under Section 5-40 is not precluded. No
5 emergency rule may be adopted more than once in any 24 month
6 period, except that this limitation on the number of emergency
7 rules that may be adopted in a 24 month period does not apply
8 to (i) emergency rules that make additions to and deletions
9 from the Drug Manual under Section 5-5.16 of the Illinois
10 Public Aid Code or the generic drug formulary under Section
11 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
12 emergency rules adopted by the Pollution Control Board before
13 July 1, 1997 to implement portions of the Livestock Management
14 Facilities Act, or (iii) emergency rules adopted by the
15 Illinois Department of Public Health under subsections (a)
16 through (i) of Section 2 of the Department of Public Health Act
17 when necessary to protect the public's health. Two or more
18 emergency rules having substantially the same purpose and
19 effect shall be deemed to be a single rule for purposes of this
20 Section.

21 (d) In order to provide for the expeditious and timely
22 implementation of the State's fiscal year 1999 budget,
23 emergency rules to implement any provision of Public Act 90-587
24 or 90-588 or any other budget initiative for fiscal year 1999
25 may be adopted in accordance with this Section by the agency
26 charged with administering that provision or initiative,

1 except that the 24-month limitation on the adoption of
2 emergency rules and the provisions of Sections 5-115 and 5-125
3 do not apply to rules adopted under this subsection (d). The
4 adoption of emergency rules authorized by this subsection (d)
5 shall be deemed to be necessary for the public interest,
6 safety, and welfare.

7 (e) In order to provide for the expeditious and timely
8 implementation of the State's fiscal year 2000 budget,
9 emergency rules to implement any provision of this amendatory
10 Act of the 91st General Assembly or any other budget initiative
11 for fiscal year 2000 may be adopted in accordance with this
12 Section by the agency charged with administering that provision
13 or initiative, except that the 24-month limitation on the
14 adoption of emergency rules and the provisions of Sections
15 5-115 and 5-125 do not apply to rules adopted under this
16 subsection (e). The adoption of emergency rules authorized by
17 this subsection (e) shall be deemed to be necessary for the
18 public interest, safety, and welfare.

19 (f) In order to provide for the expeditious and timely
20 implementation of the State's fiscal year 2001 budget,
21 emergency rules to implement any provision of this amendatory
22 Act of the 91st General Assembly or any other budget initiative
23 for fiscal year 2001 may be adopted in accordance with this
24 Section by the agency charged with administering that provision
25 or initiative, except that the 24-month limitation on the
26 adoption of emergency rules and the provisions of Sections

1 5-115 and 5-125 do not apply to rules adopted under this
2 subsection (f). The adoption of emergency rules authorized by
3 this subsection (f) shall be deemed to be necessary for the
4 public interest, safety, and welfare.

5 (g) In order to provide for the expeditious and timely
6 implementation of the State's fiscal year 2002 budget,
7 emergency rules to implement any provision of this amendatory
8 Act of the 92nd General Assembly or any other budget initiative
9 for fiscal year 2002 may be adopted in accordance with this
10 Section by the agency charged with administering that provision
11 or initiative, except that the 24-month limitation on the
12 adoption of emergency rules and the provisions of Sections
13 5-115 and 5-125 do not apply to rules adopted under this
14 subsection (g). The adoption of emergency rules authorized by
15 this subsection (g) shall be deemed to be necessary for the
16 public interest, safety, and welfare.

17 (h) In order to provide for the expeditious and timely
18 implementation of the State's fiscal year 2003 budget,
19 emergency rules to implement any provision of this amendatory
20 Act of the 92nd General Assembly or any other budget initiative
21 for fiscal year 2003 may be adopted in accordance with this
22 Section by the agency charged with administering that provision
23 or initiative, except that the 24-month limitation on the
24 adoption of emergency rules and the provisions of Sections
25 5-115 and 5-125 do not apply to rules adopted under this
26 subsection (h). The adoption of emergency rules authorized by

1 this subsection (h) shall be deemed to be necessary for the
2 public interest, safety, and welfare.

3 (i) In order to provide for the expeditious and timely
4 implementation of the State's fiscal year 2004 budget,
5 emergency rules to implement any provision of this amendatory
6 Act of the 93rd General Assembly or any other budget initiative
7 for fiscal year 2004 may be adopted in accordance with this
8 Section by the agency charged with administering that provision
9 or initiative, except that the 24-month limitation on the
10 adoption of emergency rules and the provisions of Sections
11 5-115 and 5-125 do not apply to rules adopted under this
12 subsection (i). The adoption of emergency rules authorized by
13 this subsection (i) shall be deemed to be necessary for the
14 public interest, safety, and welfare.

15 (j) In order to provide for the expeditious and timely
16 implementation of the provisions of the State's fiscal year
17 2005 budget as provided under the Fiscal Year 2005 Budget
18 Implementation (Human Services) Act, emergency rules to
19 implement any provision of the Fiscal Year 2005 Budget
20 Implementation (Human Services) Act may be adopted in
21 accordance with this Section by the agency charged with
22 administering that provision, except that the 24-month
23 limitation on the adoption of emergency rules and the
24 provisions of Sections 5-115 and 5-125 do not apply to rules
25 adopted under this subsection (j). The Department of Public Aid
26 may also adopt rules under this subsection (j) necessary to

1 administer the Illinois Public Aid Code and the Children's
2 Health Insurance Program Act. The adoption of emergency rules
3 authorized by this subsection (j) shall be deemed to be
4 necessary for the public interest, safety, and welfare.

5 (k) In order to provide for the expeditious and timely
6 implementation of the provisions of the State's fiscal year
7 2006 budget, emergency rules to implement any provision of this
8 amendatory Act of the 94th General Assembly or any other budget
9 initiative for fiscal year 2006 may be adopted in accordance
10 with this Section by the agency charged with administering that
11 provision or initiative, except that the 24-month limitation on
12 the adoption of emergency rules and the provisions of Sections
13 5-115 and 5-125 do not apply to rules adopted under this
14 subsection (k). The Department of Healthcare and Family
15 Services may also adopt rules under this subsection (k)
16 necessary to administer the Illinois Public Aid Code, the
17 Senior Citizens and Disabled Persons Property Tax Relief and
18 Pharmaceutical Assistance Act, the Senior Citizens and
19 Disabled Persons Prescription Drug Discount Program Act (now
20 the Illinois Prescription Drug Discount Program Act), and the
21 Children's Health Insurance Program Act. The adoption of
22 emergency rules authorized by this subsection (k) shall be
23 deemed to be necessary for the public interest, safety, and
24 welfare.

25 (l) In order to provide for the expeditious and timely
26 implementation of the provisions of the State's fiscal year

1 2007 budget, the Department of Healthcare and Family Services
2 may adopt emergency rules during fiscal year 2007, including
3 rules effective July 1, 2007, in accordance with this
4 subsection to the extent necessary to administer the
5 Department's responsibilities with respect to amendments to
6 the State plans and Illinois waivers approved by the federal
7 Centers for Medicare and Medicaid Services necessitated by the
8 requirements of Title XIX and Title XXI of the federal Social
9 Security Act. The adoption of emergency rules authorized by
10 this subsection (l) shall be deemed to be necessary for the
11 public interest, safety, and welfare.

12 (m) In order to provide for the expeditious and timely
13 implementation of the provisions of the State's fiscal year
14 2008 budget, the Department of Healthcare and Family Services
15 may adopt emergency rules during fiscal year 2008, including
16 rules effective July 1, 2008, in accordance with this
17 subsection to the extent necessary to administer the
18 Department's responsibilities with respect to amendments to
19 the State plans and Illinois waivers approved by the federal
20 Centers for Medicare and Medicaid Services necessitated by the
21 requirements of Title XIX and Title XXI of the federal Social
22 Security Act. The adoption of emergency rules authorized by
23 this subsection (m) shall be deemed to be necessary for the
24 public interest, safety, and welfare.

25 (n) In order to provide for the expeditious and timely
26 implementation of the State's fiscal year 2010 budget,

1 emergency rules to implement any provision of this amendatory
2 Act of the 96th General Assembly or any other budget initiative
3 for fiscal year 2010 may be adopted in accordance with this
4 Section by the agency charged with administering that provision
5 or initiative, except that the 24-month limitation on the
6 adoption of emergency rules and the provisions of Sections
7 5-115 and 5-125 do not apply to rules adopted under this
8 subsection (n). The adoption of emergency rules authorized by
9 this subsection (n) shall be deemed to be necessary for the
10 public interest, safety, and welfare.

11 (Source: P.A. 94-48, eff. 7-1-05; 94-838, eff. 6-6-06; 95-12,
12 eff. 7-2-07; 95-331, eff. 8-21-07.)

13 Section 15. The State Finance Act is amended by changing
14 Sections 6z-69 and 8g as follows:

15 (30 ILCS 105/6z-69)

16 Sec. 6z-69. Comprehensive Regional Planning Fund.

17 (a) As soon as possible after July 1, 2007, and on each
18 July 1 thereafter through June 30, 2009, the State Treasurer
19 shall transfer \$5,000,000 from the General Revenue Fund to the
20 Comprehensive Regional Planning Fund.

21 (b) Subject to appropriation, the Illinois Department of
22 Transportation shall make lump sum distributions from the
23 Comprehensive Regional Planning Fund as soon as possible after
24 each July 1 to the recipients and in the amounts specified in

1 subsection (c). The recipients must use the moneys for
2 comprehensive regional planning purposes.

3 (c) Each year's distribution under subsection (b) shall be
4 as follows: (i) 70% to the Chicago Metropolitan Agency for
5 Planning (CMAP); (ii) 25% to the State's other Metropolitan
6 Planning Organizations (exclusive of CMAP), each Organization
7 receiving a percentage equal to the percent its area population
8 represents to the total population of the areas of all the
9 State's Metropolitan Planning Organizations (exclusive of
10 CMAP); and (iii) 5% to the State's Rural Planning Agencies,
11 each Agency receiving a percentage equal to the percent its
12 area population represents to the total population of the areas
13 of all the State's Rural Planning Agencies.

14 (Source: P.A. 95-677, eff. 10-11-07.)

15 (30 ILCS 105/8g)

16 Sec. 8g. Fund transfers.

17 (a) In addition to any other transfers that may be provided
18 for by law, as soon as may be practical after the effective
19 date of this amendatory Act of the 91st General Assembly, the
20 State Comptroller shall direct and the State Treasurer shall
21 transfer the sum of \$10,000,000 from the General Revenue Fund
22 to the Motor Vehicle License Plate Fund created by Senate Bill
23 1028 of the 91st General Assembly.

24 (b) In addition to any other transfers that may be provided
25 for by law, as soon as may be practical after the effective

1 date of this amendatory Act of the 91st General Assembly, the
2 State Comptroller shall direct and the State Treasurer shall
3 transfer the sum of \$25,000,000 from the General Revenue Fund
4 to the Fund for Illinois' Future created by Senate Bill 1066 of
5 the 91st General Assembly.

6 (c) In addition to any other transfers that may be provided
7 for by law, on August 30 of each fiscal year's license period,
8 the Illinois Liquor Control Commission shall direct and the
9 State Comptroller and State Treasurer shall transfer from the
10 General Revenue Fund to the Youth Alcoholism and Substance
11 Abuse Prevention Fund an amount equal to the number of retail
12 liquor licenses issued for that fiscal year multiplied by \$50.

13 (d) The payments to programs required under subsection (d)
14 of Section 28.1 of the Horse Racing Act of 1975 shall be made,
15 pursuant to appropriation, from the special funds referred to
16 in the statutes cited in that subsection, rather than directly
17 from the General Revenue Fund.

18 Beginning January 1, 2000, on the first day of each month,
19 or as soon as may be practical thereafter, the State
20 Comptroller shall direct and the State Treasurer shall transfer
21 from the General Revenue Fund to each of the special funds from
22 which payments are to be made under Section 28.1(d) of the
23 Horse Racing Act of 1975 an amount equal to 1/12 of the annual
24 amount required for those payments from that special fund,
25 which annual amount shall not exceed the annual amount for
26 those payments from that special fund for the calendar year

1 1998, except that for the fiscal year ending June 30, 2010, the
2 annual amount required for those payments shall not exceed 92%
3 of the annual amount for those payments from that special fund
4 for the calendar year 1998 for the Agricultural Premium Fund;
5 the Fair and Exposition Fund; the Standardbred Breeders Fund;
6 and the Thoroughbred Breeders Fund. The special funds to which
7 transfers shall be made under this subsection (d) include, but
8 are not necessarily limited to, the Agricultural Premium Fund;
9 the Metropolitan Exposition Auditorium and Office Building
10 Fund; the Fair and Exposition Fund; the Standardbred Breeders
11 Fund; the Thoroughbred Breeders Fund; and the Illinois
12 Veterans' Rehabilitation Fund.

13 (e) In addition to any other transfers that may be provided
14 for by law, as soon as may be practical after the effective
15 date of this amendatory Act of the 91st General Assembly, but
16 in no event later than June 30, 2000, the State Comptroller
17 shall direct and the State Treasurer shall transfer the sum of
18 \$15,000,000 from the General Revenue Fund to the Fund for
19 Illinois' Future.

20 (f) In addition to any other transfers that may be provided
21 for by law, as soon as may be practical after the effective
22 date of this amendatory Act of the 91st General Assembly, but
23 in no event later than June 30, 2000, the State Comptroller
24 shall direct and the State Treasurer shall transfer the sum of
25 \$70,000,000 from the General Revenue Fund to the Long-Term Care
26 Provider Fund.

1 (f-1) In fiscal year 2002, in addition to any other
2 transfers that may be provided for by law, at the direction of
3 and upon notification from the Governor, the State Comptroller
4 shall direct and the State Treasurer shall transfer amounts not
5 exceeding a total of \$160,000,000 from the General Revenue Fund
6 to the Long-Term Care Provider Fund.

7 (g) In addition to any other transfers that may be provided
8 for by law, on July 1, 2001, or as soon thereafter as may be
9 practical, the State Comptroller shall direct and the State
10 Treasurer shall transfer the sum of \$1,200,000 from the General
11 Revenue Fund to the Violence Prevention Fund.

12 (h) In each of fiscal years 2002 through 2004, but not
13 thereafter, in addition to any other transfers that may be
14 provided for by law, the State Comptroller shall direct and the
15 State Treasurer shall transfer \$5,000,000 from the General
16 Revenue Fund to the Tourism Promotion Fund.

17 (i) On or after July 1, 2001 and until May 1, 2002, in
18 addition to any other transfers that may be provided for by
19 law, at the direction of and upon notification from the
20 Governor, the State Comptroller shall direct and the State
21 Treasurer shall transfer amounts not exceeding a total of
22 \$80,000,000 from the General Revenue Fund to the Tobacco
23 Settlement Recovery Fund. Any amounts so transferred shall be
24 re-transferred by the State Comptroller and the State Treasurer
25 from the Tobacco Settlement Recovery Fund to the General
26 Revenue Fund at the direction of and upon notification from the

1 Governor, but in any event on or before June 30, 2002.

2 (i-1) On or after July 1, 2002 and until May 1, 2003, in
3 addition to any other transfers that may be provided for by
4 law, at the direction of and upon notification from the
5 Governor, the State Comptroller shall direct and the State
6 Treasurer shall transfer amounts not exceeding a total of
7 \$80,000,000 from the General Revenue Fund to the Tobacco
8 Settlement Recovery Fund. Any amounts so transferred shall be
9 re-transferred by the State Comptroller and the State Treasurer
10 from the Tobacco Settlement Recovery Fund to the General
11 Revenue Fund at the direction of and upon notification from the
12 Governor, but in any event on or before June 30, 2003.

13 (j) On or after July 1, 2001 and no later than June 30,
14 2002, in addition to any other transfers that may be provided
15 for by law, at the direction of and upon notification from the
16 Governor, the State Comptroller shall direct and the State
17 Treasurer shall transfer amounts not to exceed the following
18 sums into the Statistical Services Revolving Fund:

19	From the General Revenue Fund	\$8,450,000
20	From the Public Utility Fund	1,700,000
21	From the Transportation Regulatory Fund	2,650,000
22	From the Title III Social Security and	
23	Employment Fund	3,700,000
24	From the Professions Indirect Cost Fund	4,050,000
25	From the Underground Storage Tank Fund	550,000
26	From the Agricultural Premium Fund	750,000

1	From the State Pensions Fund	200,000
2	From the Road Fund	2,000,000
3	From the Health Facilities	
4	Planning Fund	1,000,000
5	From the Savings and Residential Finance	
6	Regulatory Fund	130,800
7	From the Appraisal Administration Fund	28,600
8	From the Pawnbroker Regulation Fund	3,600
9	From the Auction Regulation	
10	Administration Fund	35,800
11	From the Bank and Trust Company Fund.....	634,800
12	From the Real Estate License	
13	Administration Fund	313,600

14 (k) In addition to any other transfers that may be provided
 15 for by law, as soon as may be practical after the effective
 16 date of this amendatory Act of the 92nd General Assembly, the
 17 State Comptroller shall direct and the State Treasurer shall
 18 transfer the sum of \$2,000,000 from the General Revenue Fund to
 19 the Teachers Health Insurance Security Fund.

20 (k-1) In addition to any other transfers that may be
 21 provided for by law, on July 1, 2002, or as soon as may be
 22 practical thereafter, the State Comptroller shall direct and
 23 the State Treasurer shall transfer the sum of \$2,000,000 from
 24 the General Revenue Fund to the Teachers Health Insurance
 25 Security Fund.

26 (k-2) In addition to any other transfers that may be

1 provided for by law, on July 1, 2003, or as soon as may be
 2 practical thereafter, the State Comptroller shall direct and
 3 the State Treasurer shall transfer the sum of \$2,000,000 from
 4 the General Revenue Fund to the Teachers Health Insurance
 5 Security Fund.

6 (k-3) On or after July 1, 2002 and no later than June 30,
 7 2003, in addition to any other transfers that may be provided
 8 for by law, at the direction of and upon notification from the
 9 Governor, the State Comptroller shall direct and the State
 10 Treasurer shall transfer amounts not to exceed the following
 11 sums into the Statistical Services Revolving Fund:

12	Appraisal Administration Fund	\$150,000
13	General Revenue Fund	10,440,000
14	Savings and Residential Finance	
15	Regulatory Fund	200,000
16	State Pensions Fund	100,000
17	Bank and Trust Company Fund	100,000
18	Professions Indirect Cost Fund	3,400,000
19	Public Utility Fund	2,081,200
20	Real Estate License Administration Fund	150,000
21	Title III Social Security and	
22	Employment Fund	1,000,000
23	Transportation Regulatory Fund	3,052,100
24	Underground Storage Tank Fund	50,000

25 (l) In addition to any other transfers that may be provided
 26 for by law, on July 1, 2002, or as soon as may be practical

1 thereafter, the State Comptroller shall direct and the State
2 Treasurer shall transfer the sum of \$3,000,000 from the General
3 Revenue Fund to the Presidential Library and Museum Operating
4 Fund.

5 (m) In addition to any other transfers that may be provided
6 for by law, on July 1, 2002 and on the effective date of this
7 amendatory Act of the 93rd General Assembly, or as soon
8 thereafter as may be practical, the State Comptroller shall
9 direct and the State Treasurer shall transfer the sum of
10 \$1,200,000 from the General Revenue Fund to the Violence
11 Prevention Fund.

12 (n) In addition to any other transfers that may be provided
13 for by law, on July 1, 2003, or as soon thereafter as may be
14 practical, the State Comptroller shall direct and the State
15 Treasurer shall transfer the sum of \$6,800,000 from the General
16 Revenue Fund to the DHS Recoveries Trust Fund.

17 (o) On or after July 1, 2003, and no later than June 30,
18 2004, in addition to any other transfers that may be provided
19 for by law, at the direction of and upon notification from the
20 Governor, the State Comptroller shall direct and the State
21 Treasurer shall transfer amounts not to exceed the following
22 sums into the Vehicle Inspection Fund:

23 From the Underground Storage Tank Fund \$35,000,000.

24 (p) On or after July 1, 2003 and until May 1, 2004, in
25 addition to any other transfers that may be provided for by
26 law, at the direction of and upon notification from the

1 Governor, the State Comptroller shall direct and the State
2 Treasurer shall transfer amounts not exceeding a total of
3 \$80,000,000 from the General Revenue Fund to the Tobacco
4 Settlement Recovery Fund. Any amounts so transferred shall be
5 re-transferred from the Tobacco Settlement Recovery Fund to the
6 General Revenue Fund at the direction of and upon notification
7 from the Governor, but in any event on or before June 30, 2004.

8 (q) In addition to any other transfers that may be provided
9 for by law, on July 1, 2003, or as soon as may be practical
10 thereafter, the State Comptroller shall direct and the State
11 Treasurer shall transfer the sum of \$5,000,000 from the General
12 Revenue Fund to the Illinois Military Family Relief Fund.

13 (r) In addition to any other transfers that may be provided
14 for by law, on July 1, 2003, or as soon as may be practical
15 thereafter, the State Comptroller shall direct and the State
16 Treasurer shall transfer the sum of \$1,922,000 from the General
17 Revenue Fund to the Presidential Library and Museum Operating
18 Fund.

19 (s) In addition to any other transfers that may be provided
20 for by law, on or after July 1, 2003, the State Comptroller
21 shall direct and the State Treasurer shall transfer the sum of
22 \$4,800,000 from the Statewide Economic Development Fund to the
23 General Revenue Fund.

24 (t) In addition to any other transfers that may be provided
25 for by law, on or after July 1, 2003, the State Comptroller
26 shall direct and the State Treasurer shall transfer the sum of

1 \$50,000,000 from the General Revenue Fund to the Budget
2 Stabilization Fund.

3 (u) On or after July 1, 2004 and until May 1, 2005, in
4 addition to any other transfers that may be provided for by
5 law, at the direction of and upon notification from the
6 Governor, the State Comptroller shall direct and the State
7 Treasurer shall transfer amounts not exceeding a total of
8 \$80,000,000 from the General Revenue Fund to the Tobacco
9 Settlement Recovery Fund. Any amounts so transferred shall be
10 retransferred by the State Comptroller and the State Treasurer
11 from the Tobacco Settlement Recovery Fund to the General
12 Revenue Fund at the direction of and upon notification from the
13 Governor, but in any event on or before June 30, 2005.

14 (v) In addition to any other transfers that may be provided
15 for by law, on July 1, 2004, or as soon thereafter as may be
16 practical, the State Comptroller shall direct and the State
17 Treasurer shall transfer the sum of \$1,200,000 from the General
18 Revenue Fund to the Violence Prevention Fund.

19 (w) In addition to any other transfers that may be provided
20 for by law, on July 1, 2004, or as soon thereafter as may be
21 practical, the State Comptroller shall direct and the State
22 Treasurer shall transfer the sum of \$6,445,000 from the General
23 Revenue Fund to the Presidential Library and Museum Operating
24 Fund.

25 (x) In addition to any other transfers that may be provided
26 for by law, on January 15, 2005, or as soon thereafter as may

1 be practical, the State Comptroller shall direct and the State
2 Treasurer shall transfer to the General Revenue Fund the
3 following sums:

4 From the State Crime Laboratory Fund, \$200,000;

5 From the State Police Wireless Service Emergency Fund,
6 \$200,000;

7 From the State Offender DNA Identification System
8 Fund, \$800,000; and

9 From the State Police Whistleblower Reward and
10 Protection Fund, \$500,000.

11 (y) Notwithstanding any other provision of law to the
12 contrary, in addition to any other transfers that may be
13 provided for by law on June 30, 2005, or as soon as may be
14 practical thereafter, the State Comptroller shall direct and
15 the State Treasurer shall transfer the remaining balance from
16 the designated funds into the General Revenue Fund and any
17 future deposits that would otherwise be made into these funds
18 must instead be made into the General Revenue Fund:

19 (1) the Keep Illinois Beautiful Fund;

20 (2) the Metropolitan Fair and Exposition Authority
21 Reconstruction Fund;

22 (3) the New Technology Recovery Fund;

23 (4) the Illinois Rural Bond Bank Trust Fund;

24 (5) the ISBE School Bus Driver Permit Fund;

25 (6) the Solid Waste Management Revolving Loan Fund;

26 (7) the State Postsecondary Review Program Fund;

1 (8) the Tourism Attraction Development Matching Grant
2 Fund;

3 (9) the Patent and Copyright Fund;

4 (10) the Credit Enhancement Development Fund;

5 (11) the Community Mental Health and Developmental
6 Disabilities Services Provider Participation Fee Trust
7 Fund;

8 (12) the Nursing Home Grant Assistance Fund;

9 (13) the By-product Material Safety Fund;

10 (14) the Illinois Student Assistance Commission Higher
11 EdNet Fund;

12 (15) the DORS State Project Fund;

13 (16) the School Technology Revolving Fund;

14 (17) the Energy Assistance Contribution Fund;

15 (18) the Illinois Building Commission Revolving Fund;

16 (19) the Illinois Aquaculture Development Fund;

17 (20) the Homelessness Prevention Fund;

18 (21) the DCFS Refugee Assistance Fund;

19 (22) the Illinois Century Network Special Purposes
20 Fund; and

21 (23) the Build Illinois Purposes Fund.

22 (z) In addition to any other transfers that may be provided
23 for by law, on July 1, 2005, or as soon as may be practical
24 thereafter, the State Comptroller shall direct and the State
25 Treasurer shall transfer the sum of \$1,200,000 from the General
26 Revenue Fund to the Violence Prevention Fund.

1 (aa) In addition to any other transfers that may be
2 provided for by law, on July 1, 2005, or as soon as may be
3 practical thereafter, the State Comptroller shall direct and
4 the State Treasurer shall transfer the sum of \$9,000,000 from
5 the General Revenue Fund to the Presidential Library and Museum
6 Operating Fund.

7 (bb) In addition to any other transfers that may be
8 provided for by law, on July 1, 2005, or as soon as may be
9 practical thereafter, the State Comptroller shall direct and
10 the State Treasurer shall transfer the sum of \$6,803,600 from
11 the General Revenue Fund to the Securities Audit and
12 Enforcement Fund.

13 (cc) In addition to any other transfers that may be
14 provided for by law, on or after July 1, 2005 and until May 1,
15 2006, at the direction of and upon notification from the
16 Governor, the State Comptroller shall direct and the State
17 Treasurer shall transfer amounts not exceeding a total of
18 \$80,000,000 from the General Revenue Fund to the Tobacco
19 Settlement Recovery Fund. Any amounts so transferred shall be
20 re-transferred by the State Comptroller and the State Treasurer
21 from the Tobacco Settlement Recovery Fund to the General
22 Revenue Fund at the direction of and upon notification from the
23 Governor, but in any event on or before June 30, 2006.

24 (dd) In addition to any other transfers that may be
25 provided for by law, on April 1, 2005, or as soon thereafter as
26 may be practical, at the direction of the Director of Public

1 Aid (now Director of Healthcare and Family Services), the State
2 Comptroller shall direct and the State Treasurer shall transfer
3 from the Public Aid Recoveries Trust Fund amounts not to exceed
4 \$14,000,000 to the Community Mental Health Medicaid Trust Fund.

5 (ee) Notwithstanding any other provision of law, on July 1,
6 2006, or as soon thereafter as practical, the State Comptroller
7 shall direct and the State Treasurer shall transfer the
8 remaining balance from the Illinois Civic Center Bond Fund to
9 the Illinois Civic Center Bond Retirement and Interest Fund.

10 (ff) In addition to any other transfers that may be
11 provided for by law, on and after July 1, 2006 and until June
12 30, 2007, at the direction of and upon notification from the
13 Director of the Governor's Office of Management and Budget, the
14 State Comptroller shall direct and the State Treasurer shall
15 transfer amounts not exceeding a total of \$1,900,000 from the
16 General Revenue Fund to the Illinois Capital Revolving Loan
17 Fund.

18 (gg) In addition to any other transfers that may be
19 provided for by law, on and after July 1, 2006 and until May 1,
20 2007, at the direction of and upon notification from the
21 Governor, the State Comptroller shall direct and the State
22 Treasurer shall transfer amounts not exceeding a total of
23 \$80,000,000 from the General Revenue Fund to the Tobacco
24 Settlement Recovery Fund. Any amounts so transferred shall be
25 retransferred by the State Comptroller and the State Treasurer
26 from the Tobacco Settlement Recovery Fund to the General

1 Revenue Fund at the direction of and upon notification from the
2 Governor, but in any event on or before June 30, 2007.

3 (hh) In addition to any other transfers that may be
4 provided for by law, on and after July 1, 2006 and until June
5 30, 2007, at the direction of and upon notification from the
6 Governor, the State Comptroller shall direct and the State
7 Treasurer shall transfer amounts from the Illinois Affordable
8 Housing Trust Fund to the designated funds not exceeding the
9 following amounts:

- 10 DCFS Children's Services Fund \$2,200,000
- 11 Department of Corrections Reimbursement
- 12 and Education Fund \$1,500,000
- 13 Supplemental Low-Income Energy
- 14 Assistance Fund \$75,000

15 (ii) In addition to any other transfers that may be
16 provided for by law, on or before August 31, 2006, the Governor
17 and the State Comptroller may agree to transfer the surplus
18 cash balance from the General Revenue Fund to the Budget
19 Stabilization Fund and the Pension Stabilization Fund in equal
20 proportions. The determination of the amount of the surplus
21 cash balance shall be made by the Governor, with the
22 concurrence of the State Comptroller, after taking into account
23 the June 30, 2006 balances in the general funds and the actual
24 or estimated spending from the general funds during the lapse
25 period. Notwithstanding the foregoing, the maximum amount that
26 may be transferred under this subsection (ii) is \$50,000,000.

1 (jj) In addition to any other transfers that may be
2 provided for by law, on July 1, 2006, or as soon thereafter as
3 practical, the State Comptroller shall direct and the State
4 Treasurer shall transfer the sum of \$8,250,000 from the General
5 Revenue Fund to the Presidential Library and Museum Operating
6 Fund.

7 (kk) In addition to any other transfers that may be
8 provided for by law, on July 1, 2006, or as soon thereafter as
9 practical, the State Comptroller shall direct and the State
10 Treasurer shall transfer the sum of \$1,400,000 from the General
11 Revenue Fund to the Violence Prevention Fund.

12 (ll) In addition to any other transfers that may be
13 provided for by law, on the first day of each calendar quarter
14 of the fiscal year beginning July 1, 2006, or as soon
15 thereafter as practical, the State Comptroller shall direct and
16 the State Treasurer shall transfer from the General Revenue
17 Fund amounts equal to one-fourth of \$20,000,000 to the
18 Renewable Energy Resources Trust Fund.

19 (mm) In addition to any other transfers that may be
20 provided for by law, on July 1, 2006, or as soon thereafter as
21 practical, the State Comptroller shall direct and the State
22 Treasurer shall transfer the sum of \$1,320,000 from the General
23 Revenue Fund to the I-FLY Fund.

24 (nn) In addition to any other transfers that may be
25 provided for by law, on July 1, 2006, or as soon thereafter as
26 practical, the State Comptroller shall direct and the State

1 Treasurer shall transfer the sum of \$3,000,000 from the General
2 Revenue Fund to the African-American HIV/AIDS Response Fund.

3 (oo) In addition to any other transfers that may be
4 provided for by law, on and after July 1, 2006 and until June
5 30, 2007, at the direction of and upon notification from the
6 Governor, the State Comptroller shall direct and the State
7 Treasurer shall transfer amounts identified as net receipts
8 from the sale of all or part of the Illinois Student Assistance
9 Commission loan portfolio from the Student Loan Operating Fund
10 to the General Revenue Fund. The maximum amount that may be
11 transferred pursuant to this Section is \$38,800,000. In
12 addition, no transfer may be made pursuant to this Section that
13 would have the effect of reducing the available balance in the
14 Student Loan Operating Fund to an amount less than the amount
15 remaining unexpended and unreserved from the total
16 appropriations from the Fund estimated to be expended for the
17 fiscal year. The State Treasurer and Comptroller shall transfer
18 the amounts designated under this Section as soon as may be
19 practical after receiving the direction to transfer from the
20 Governor.

21 (pp) In addition to any other transfers that may be
22 provided for by law, on July 1, 2006, or as soon thereafter as
23 practical, the State Comptroller shall direct and the State
24 Treasurer shall transfer the sum of \$2,000,000 from the General
25 Revenue Fund to the Illinois Veterans Assistance Fund.

26 (qq) In addition to any other transfers that may be

1 provided for by law, on and after July 1, 2007 and until May 1,
 2 2008, at the direction of and upon notification from the
 3 Governor, the State Comptroller shall direct and the State
 4 Treasurer shall transfer amounts not exceeding a total of
 5 \$80,000,000 from the General Revenue Fund to the Tobacco
 6 Settlement Recovery Fund. Any amounts so transferred shall be
 7 retransferred by the State Comptroller and the State Treasurer
 8 from the Tobacco Settlement Recovery Fund to the General
 9 Revenue Fund at the direction of and upon notification from the
 10 Governor, but in any event on or before June 30, 2008.

11 (rr) In addition to any other transfers that may be
 12 provided for by law, on and after July 1, 2007 and until June
 13 30, 2008, at the direction of and upon notification from the
 14 Governor, the State Comptroller shall direct and the State
 15 Treasurer shall transfer amounts from the Illinois Affordable
 16 Housing Trust Fund to the designated funds not exceeding the
 17 following amounts:

- 18 DCFS Children's Services Fund \$2,200,000
- 19 Department of Corrections Reimbursement
- 20 and Education Fund \$1,500,000
- 21 Supplemental Low-Income Energy
- 22 Assistance Fund \$75,000

23 (ss) In addition to any other transfers that may be
 24 provided for by law, on July 1, 2007, or as soon thereafter as
 25 practical, the State Comptroller shall direct and the State
 26 Treasurer shall transfer the sum of \$8,250,000 from the General

1 Revenue Fund to the Presidential Library and Museum Operating
2 Fund.

3 (tt) In addition to any other transfers that may be
4 provided for by law, on July 1, 2007, or as soon thereafter as
5 practical, the State Comptroller shall direct and the State
6 Treasurer shall transfer the sum of \$1,400,000 from the General
7 Revenue Fund to the Violence Prevention Fund.

8 (uu) In addition to any other transfers that may be
9 provided for by law, on July 1, 2007, or as soon thereafter as
10 practical, the State Comptroller shall direct and the State
11 Treasurer shall transfer the sum of \$1,320,000 from the General
12 Revenue Fund to the I-FLY Fund.

13 (vv) In addition to any other transfers that may be
14 provided for by law, on July 1, 2007, or as soon thereafter as
15 practical, the State Comptroller shall direct and the State
16 Treasurer shall transfer the sum of \$3,000,000 from the General
17 Revenue Fund to the African-American HIV/AIDS Response Fund.

18 (ww) In addition to any other transfers that may be
19 provided for by law, on July 1, 2007, or as soon thereafter as
20 practical, the State Comptroller shall direct and the State
21 Treasurer shall transfer the sum of \$3,500,000 from the General
22 Revenue Fund to the Predatory Lending Database Program Fund.

23 (xx) In addition to any other transfers that may be
24 provided for by law, on July 1, 2007, or as soon thereafter as
25 practical, the State Comptroller shall direct and the State
26 Treasurer shall transfer the sum of \$5,000,000 from the General

1 Revenue Fund to the Digital Divide Elimination Fund.

2 (yy) In addition to any other transfers that may be
3 provided for by law, on July 1, 2007, or as soon thereafter as
4 practical, the State Comptroller shall direct and the State
5 Treasurer shall transfer the sum of \$4,000,000 from the General
6 Revenue Fund to the Digital Divide Elimination Infrastructure
7 Fund.

8 (zz) In addition to any other transfers that may be
9 provided for by law, on July 1, 2008, or as soon thereafter as
10 practical, the State Comptroller shall direct and the State
11 Treasurer shall transfer the sum of \$5,000,000 from the General
12 Revenue Fund to the Digital Divide Elimination Fund.

13 (aaa) In addition to any other transfers that may be
14 provided for by law, on and after July 1, 2008 and until May 1,
15 2009, at the direction of and upon notification from the
16 Governor, the State Comptroller shall direct and the State
17 Treasurer shall transfer amounts not exceeding a total of
18 \$80,000,000 from the General Revenue Fund to the Tobacco
19 Settlement Recovery Fund. Any amounts so transferred shall be
20 retransferred by the State Comptroller and the State Treasurer
21 from the Tobacco Settlement Recovery Fund to the General
22 Revenue Fund at the direction of and upon notification from the
23 Governor, but in any event on or before June 30, 2009.

24 (bbb) In addition to any other transfers that may be
25 provided for by law, on and after July 1, 2008 and until June
26 30, 2009, at the direction of and upon notification from the

1 Governor, the State Comptroller shall direct and the State
2 Treasurer shall transfer amounts from the Illinois Affordable
3 Housing Trust Fund to the designated funds not exceeding the
4 following amounts:

- 5 DCFS Children's Services Fund \$2,200,000
- 6 Department of Corrections Reimbursement
- 7 and Education Fund \$1,500,000
- 8 Supplemental Low-Income Energy
- 9 Assistance Fund \$75,000

10 (ccc) In addition to any other transfers that may be
11 provided for by law, on July 1, 2008, or as soon thereafter as
12 practical, the State Comptroller shall direct and the State
13 Treasurer shall transfer the sum of \$7,450,000 from the General
14 Revenue Fund to the Presidential Library and Museum Operating
15 Fund.

16 (ddd) In addition to any other transfers that may be
17 provided for by law, on July 1, 2008, or as soon thereafter as
18 practical, the State Comptroller shall direct and the State
19 Treasurer shall transfer the sum of \$1,400,000 from the General
20 Revenue Fund to the Violence Prevention Fund.

21 (Source: P.A. 94-58, eff. 6-17-05; 94-91, eff. 7-1-05; 94-816,
22 eff. 5-30-06; 94-839, eff. 6-6-06; 95-331, eff. 8-21-07;
23 95-707, eff. 1-11-08; 95-744, eff. 7-18-08.)

24 Section 20. The Downstate Public Transportation Act is
25 amended by changing Sections 2-3 and 2-15 as follows:

1 (30 ILCS 740/2-3) (from Ch. 111 2/3, par. 663)

2 Sec. 2-3. (a) As soon as possible after the first day of
3 each month, beginning July 1, 1984 and ending June 30, 2009,
4 upon certification of the Department of Revenue, the
5 Comptroller shall order transferred, and the Treasurer shall
6 transfer, from the General Revenue Fund to a special fund in
7 the State Treasury which is hereby created, to be known as the
8 "Downstate Public Transportation Fund", an amount equal to 2/32
9 (beginning July 1, 2005, 3/32) of the net revenue realized from
10 the "Retailers' Occupation Tax Act", as now or hereafter
11 amended, the "Service Occupation Tax Act", as now or hereafter
12 amended, the "Use Tax Act", as now or hereafter amended, and
13 the "Service Use Tax Act", as now or hereafter amended, from
14 persons incurring municipal or county retailers' or service
15 occupation tax liability for the benefit of any municipality or
16 county located wholly within the boundaries of each participant
17 other than any Metro-East Transit District participant
18 certified pursuant to subsection (c) of this Section during the
19 preceding month, except that the Department shall pay into the
20 Downstate Public Transportation Fund 2/32 (beginning July 1,
21 2005 and ending June 30, 2009, 3/32) of 80% of the net revenue
22 realized under the State tax Acts named above within any
23 municipality or county located wholly within the boundaries of
24 each participant, other than any Metro-East participant, for
25 tax periods beginning on or after January 1, 1990. Net revenue

1 realized for a month shall be the revenue collected by the
2 State pursuant to such Acts during the previous month from
3 persons incurring municipal or county retailers' or service
4 occupation tax liability for the benefit of any municipality or
5 county located wholly within the boundaries of a participant,
6 less the amount paid out during that same month as refunds or
7 credit memoranda to taxpayers for overpayment of liability
8 under such Acts for the benefit of any municipality or county
9 located wholly within the boundaries of a participant.

10 (b) As soon as possible after the first day of each month,
11 beginning July 1, 1989 and ending June 30, 2009, upon
12 certification of the Department of Revenue, the Comptroller
13 shall order transferred, and the Treasurer shall transfer, from
14 the General Revenue Fund to a special fund in the State
15 Treasury which is hereby created, to be known as the
16 "Metro-East Public Transportation Fund", an amount equal to
17 $\frac{2}{32}$ of the net revenue realized, as above, from within the
18 boundaries of Madison, Monroe, and St. Clair Counties, except
19 that the Department shall pay into the Metro-East Public
20 Transportation Fund $\frac{2}{32}$ of 80% of the net revenue realized
21 under the State tax Acts specified in subsection (a) of this
22 Section within the boundaries of Madison, Monroe and St. Clair
23 Counties for tax periods beginning on or after January 1, 1990.
24 A local match equivalent to an amount which could be raised by
25 a tax levy at the rate of .05% on the assessed value of
26 property within the boundaries of Madison County is required

1 annually to cause a total of 2/32 of the net revenue to be
2 deposited in the Metro-East Public Transportation Fund.
3 Failure to raise the required local match annually shall result
4 in only 1/32 being deposited into the Metro-East Public
5 Transportation Fund after July 1, 1989 and ending June 30,
6 2009, or 1/32 of 80% of the net revenue realized for tax
7 periods beginning on or after January 1, 1990 and ending June
8 30, 2009.

9 (b-5) As soon as possible after the first day of each
10 month, beginning July 1, 2005 and ending June 30, 2009, upon
11 certification of the Department of Revenue, the Comptroller
12 shall order transferred, and the Treasurer shall transfer, from
13 the General Revenue Fund to the Downstate Public Transportation
14 Fund, an amount equal to 3/32 of 80% of the net revenue
15 realized from within the boundaries of Monroe and St. Clair
16 Counties under the State Tax Acts specified in subsection (a)
17 of this Section and provided further that, beginning July 1,
18 2005, the provisions of subsection (b) shall no longer apply
19 with respect to such tax receipts from Monroe and St. Clair
20 Counties.

21 (b-6) As soon as possible after the first day of each
22 month, beginning July 1, 2008 and ending June 30, 2009, upon
23 certification by the Department of Revenue, the Comptroller
24 shall order transferred and the Treasurer shall transfer, from
25 the General Revenue Fund to the Downstate Public Transportation
26 Fund, an amount equal to 3/32 of 80% of the net revenue

1 realized from within the boundaries of Madison County under the
2 State Tax Acts specified in subsection (a) of this Section and
3 provided further that, beginning July 1, 2008, the provisions
4 of subsection (b) shall no longer apply with respect to such
5 tax receipts from Madison County.

6 (c) The Department shall certify to the Department of
7 Revenue the eligible participants under this Article and the
8 territorial boundaries of such participants for the purposes of
9 the Department of Revenue in subsections (a) and (b) of this
10 Section.

11 (d) For the purposes of this Article, beginning in fiscal
12 year 2009 the General Assembly shall appropriate an amount from
13 the Downstate Public Transportation Fund equal to the sum total
14 funds projected to be paid to the participants pursuant to
15 Section 2-7. If the General Assembly fails to make
16 appropriations sufficient to cover the amounts projected to be
17 paid pursuant to Section 2-7, this Act shall constitute an
18 irrevocable and continuing appropriation from the Downstate
19 Public Transportation Fund of all amounts necessary for those
20 purposes.

21 (Source: P.A. 94-70, eff. 6-22-05; 95-708, eff. 1-18-08.)

22 (30 ILCS 740/2-15) (from Ch. 111 2/3, par. 675.1)

23 Sec. 2-15. Except as otherwise provided in this Section,
24 all funds which remain in the Downstate Public Transportation
25 Fund or the Metro-East Public Transportation Fund after the

1 payment of the fourth quarterly payment to participants other
2 than Metro-East Transit District participants and the last
3 monthly payment to Metro-East Transit participants in each
4 fiscal year shall be transferred ~~(i)~~ to the General Revenue
5 Fund ~~through fiscal year 2008 and (ii) to the Downstate Transit~~
6 ~~Improvement Fund for fiscal year 2009 and each fiscal year~~
7 ~~thereafter~~. Transfers shall be made no later than 90 days
8 following the end of such fiscal year. ~~Beginning fiscal year~~
9 ~~2010, all moneys each year in the Downstate Transit Improvement~~
10 ~~Fund, held solely for the benefit of the participants in the~~
11 ~~Downstate Public Transportation Fund and shall be appropriated~~
12 ~~to the Department to make competitive capital grants to the~~
13 ~~participants of the respective funds~~. However, such amount as
14 the Department determines to be necessary for (1) allocation to
15 participants for the purposes of Section 2-7 for the first
16 quarter of the succeeding fiscal year and (2) an amount equal
17 to 2% of the total allocations to participants in the fiscal
18 year just ended to be used for the purpose of audit adjustments
19 shall be retained in such Funds to be used by the Department
20 for such purposes.

21 (Source: P.A. 95-708, eff. 1-18-08.)

22 Section 25. The Regional Transportation Authority Act is
23 amended by changing Section 4.09 as follows:

24 (70 ILCS 3615/4.09) (from Ch. 111 2/3, par. 704.09)

1 Sec. 4.09. Public Transportation Fund and the Regional
2 Transportation Authority Occupation and Use Tax Replacement
3 Fund.

4 (a)(1) As soon as possible after the first day of each
5 month, beginning July 1, 1984 and ending June 30, 2009, upon
6 certification of the Department of Revenue, the Comptroller
7 shall order transferred and the Treasurer shall transfer from
8 the General Revenue Fund to a special fund in the State
9 Treasury to be known as the Public Transportation Fund an
10 amount equal to 25% of the net revenue, before the deduction of
11 the serviceman and retailer discounts pursuant to Section 9 of
12 the Service Occupation Tax Act and Section 3 of the Retailers'
13 Occupation Tax Act, realized from any tax imposed by the
14 Authority pursuant to Sections 4.03 and 4.03.1 and 25% of the
15 amounts deposited into the Regional Transportation Authority
16 tax fund created by Section 4.03 of this Act, from the County
17 and Mass Transit District Fund as provided in Section 6z-20 of
18 the State Finance Act and 25% of the amounts deposited into the
19 Regional Transportation Authority Occupation and Use Tax
20 Replacement Fund from the State and Local Sales Tax Reform Fund
21 as provided in Section 6z-17 of the State Finance Act. On the
22 first day of the month following the date that the Department
23 receives revenues from increased taxes under Section 4.03(m) as
24 authorized by this amendatory Act of the 95th General Assembly,
25 in lieu of the transfers authorized in the preceding sentence,
26 upon certification of the Department of Revenue, the

1 Comptroller shall order transferred and the Treasurer shall
2 transfer from the General Revenue Fund to the Public
3 Transportation Fund an amount equal to 25% of the net revenue,
4 before the deduction of the serviceman and retailer discounts
5 pursuant to Section 9 of the Service Occupation Tax Act and
6 Section 3 of the Retailers' Occupation Tax Act, realized from
7 (i) 80% of the proceeds of any tax imposed by the Authority at
8 a rate of 1.25% in Cook County, (ii) 75% of the proceeds of any
9 tax imposed by the Authority at the rate of 1% in Cook County,
10 and (iii) one-third of the proceeds of any tax imposed by the
11 Authority at the rate of 0.75% in the Counties of DuPage, Kane,
12 Lake, McHenry, and Will, all pursuant to Section 4.03, and 25%
13 of the net revenue realized from any tax imposed by the
14 Authority pursuant to Section 4.03.1, and 25% of the amounts
15 deposited into the Regional Transportation Authority tax fund
16 created by Section 4.03 of this Act from the County and Mass
17 Transit District Fund as provided in Section 6z-20 of the State
18 Finance Act, and 25% of the amounts deposited into the Regional
19 Transportation Authority Occupation and Use Tax Replacement
20 Fund from the State and Local Sales Tax Reform Fund as provided
21 in Section 6z-17 of the State Finance Act. As used in this
22 Section, net revenue realized for a month shall be the revenue
23 collected by the State pursuant to Sections 4.03 and 4.03.1
24 during the previous month from within the metropolitan region,
25 less the amount paid out during that same month as refunds to
26 taxpayers for overpayment of liability in the metropolitan

1 region under Sections 4.03 and 4.03.1.

2 (2) On the first day of the month following the effective
3 date of this amendatory Act of the 95th General Assembly and
4 each month thereafter through June 2009, upon certification by
5 the Department of Revenue, the Comptroller shall order
6 transferred and the Treasurer shall transfer from the General
7 Revenue Fund to the Public Transportation Fund an amount equal
8 to 5% of the net revenue, before the deduction of the
9 serviceman and retailer discounts pursuant to Section 9 of the
10 Service Occupation Tax Act and Section 3 of the Retailers'
11 Occupation Tax Act, realized from any tax imposed by the
12 Authority pursuant to Sections 4.03 and 4.03.1 and certified by
13 the Department of Revenue under Section 4.03(n) of this Act to
14 be paid to the Authority and 5% of the amounts deposited into
15 the Regional Transportation Authority tax fund created by
16 Section 4.03 of this Act from the County and Mass Transit
17 District Fund as provided in Section 6z-20 of the State Finance
18 Act, and 5% of the amounts deposited into the Regional
19 Transportation Authority Occupation and Use Tax Replacement
20 Fund from the State and Local Sales Tax Reform Fund as provided
21 in Section 6z-17 of the State Finance Act, and 5% of the
22 revenue realized by the Chicago Transit Authority as financial
23 assistance from the City of Chicago from the proceeds of any
24 tax imposed by the City of Chicago under Section 8-3-19 of the
25 Illinois Municipal Code.

26 (3) As soon as possible after the first day of January,

1 2009 and each month thereafter through June 30, 2009, upon
2 certification of the Department of Revenue with respect to the
3 taxes collected under Section 4.03, the Comptroller shall order
4 transferred and the Treasurer shall transfer from the General
5 Revenue Fund to the Public Transportation Fund an amount equal
6 to 25% of the net revenue, before the deduction of the
7 serviceman and retailer discounts pursuant to Section 9 of the
8 Service Occupation Tax Act and Section 3 of the Retailers'
9 Occupation Tax Act, realized from (i) 20% of the proceeds of
10 any tax imposed by the Authority at a rate of 1.25% in Cook
11 County, (ii) 25% of the proceeds of any tax imposed by the
12 Authority at the rate of 1% in Cook County, and (iii) one-third
13 of the proceeds of any tax imposed by the Authority at the rate
14 of 0.75% in the Counties of DuPage, Kane, Lake, McHenry, and
15 Will, all pursuant to Section 4.03, and the Comptroller shall
16 order transferred and the Treasurer shall transfer from the
17 General Revenue Fund to the Public Transportation Fund (iv) an
18 amount equal to 25% of the revenue realized by the Chicago
19 Transit Authority as financial assistance from the City of
20 Chicago from the proceeds of any tax imposed by the City of
21 Chicago under Section 8-3-19 of the Illinois Municipal Code.

22 (b) (1) All moneys deposited in the Public Transportation
23 Fund and the Regional Transportation Authority Occupation and
24 Use Tax Replacement Fund, whether deposited pursuant to this
25 Section or otherwise, are allocated to the Authority. The
26 Comptroller, as soon as possible after each monthly transfer

1 provided in this Section and after each deposit into the Public
2 Transportation Fund, shall order the Treasurer to pay to the
3 Authority out of the Public Transportation Fund the amount so
4 transferred or deposited. Any Additional State Assistance and
5 Additional Financial Assistance paid to the Authority under
6 this Section shall be expended by the Authority for its
7 purposes as provided in this Act. The balance of the amounts
8 paid to the Authority from the Public Transportation Fund shall
9 be expended by the Authority as provided in Section 4.03.3. The
10 Comptroller, as soon as possible after each deposit into the
11 Regional Transportation Authority Occupation and Use Tax
12 Replacement Fund provided in this Section and Section 6z-17 of
13 the State Finance Act, shall order the Treasurer to pay to the
14 Authority out of the Regional Transportation Authority
15 Occupation and Use Tax Replacement Fund the amount so
16 deposited. Such amounts paid to the Authority may be expended
17 by it for its purposes as provided in this Act. The provisions
18 directing the distributions from the Public Transportation
19 Fund and the Regional Transportation Authority Occupation and
20 Use Tax Replacement Fund provided for in this Section shall
21 constitute an irrevocable and continuing appropriation of all
22 amounts as provided herein. The State Treasurer and State
23 Comptroller are hereby authorized and directed to make
24 distributions as provided in this Section. (2) Provided,
25 however, no moneys deposited under subsection (a) of this
26 Section shall be paid from the Public Transportation Fund to

1 the Authority or its assignee for any fiscal year until the
2 Authority has certified to the Governor, the Comptroller, and
3 the Mayor of the City of Chicago that it has adopted for that
4 fiscal year an Annual Budget and Two-Year Financial Plan
5 meeting the requirements in Section 4.01(b).

6 (c) In recognition of the efforts of the Authority to
7 enhance the mass transportation facilities under its control,
8 the State shall provide financial assistance ("Additional
9 State Assistance") in excess of the amounts transferred to the
10 Authority from the General Revenue Fund under subsection (a) of
11 this Section. Additional State Assistance shall be calculated
12 as provided in subsection (d), but shall in no event exceed the
13 following specified amounts with respect to the following State
14 fiscal years:

15	1990	\$5,000,000;
16	1991	\$5,000,000;
17	1992	\$10,000,000;
18	1993	\$10,000,000;
19	1994	\$20,000,000;
20	1995	\$30,000,000;
21	1996	\$40,000,000;
22	1997	\$50,000,000;
23	1998	\$55,000,000; and
24	each year thereafter	\$55,000,000.

25 (c-5) The State shall provide financial assistance
26 ("Additional Financial Assistance") in addition to the

1 Additional State Assistance provided by subsection (c) and the
2 amounts transferred to the Authority from the General Revenue
3 Fund under subsection (a) of this Section. Additional Financial
4 Assistance provided by this subsection shall be calculated as
5 provided in subsection (d), but shall in no event exceed the
6 following specified amounts with respect to the following State
7 fiscal years:

8	2000	\$0;
9	2001	\$16,000,000;
10	2002	\$35,000,000;
11	2003	\$54,000,000;
12	2004	\$73,000,000;
13	2005	\$93,000,000; and
14	each year thereafter	\$100,000,000.

15 (d) Beginning with State fiscal year 1990 and continuing
16 for each State fiscal year thereafter, the Authority shall
17 annually certify to the State Comptroller and State Treasurer,
18 separately with respect to each of subdivisions (g)(2) and
19 (g)(3) of Section 4.04 of this Act, the following amounts:

20 (1) The amount necessary and required, during the State
21 fiscal year with respect to which the certification is
22 made, to pay its obligations for debt service on all
23 outstanding bonds or notes issued by the Authority under
24 subdivisions (g)(2) and (g)(3) of Section 4.04 of this Act.

25 (2) An estimate of the amount necessary and required to
26 pay its obligations for debt service for any bonds or notes

1 which the Authority anticipates it will issue under
2 subdivisions (g) (2) and (g) (3) of Section 4.04 during that
3 State fiscal year.

4 (3) Its debt service savings during the preceding State
5 fiscal year from refunding or advance refunding of bonds or
6 notes issued under subdivisions (g) (2) and (g) (3) of
7 Section 4.04.

8 (4) The amount of interest, if any, earned by the
9 Authority during the previous State fiscal year on the
10 proceeds of bonds or notes issued pursuant to subdivisions
11 (g) (2) and (g) (3) of Section 4.04, other than refunding or
12 advance refunding bonds or notes.

13 The certification shall include a specific schedule of debt
14 service payments, including the date and amount of each payment
15 for all outstanding bonds or notes and an estimated schedule of
16 anticipated debt service for all bonds and notes it intends to
17 issue, if any, during that State fiscal year, including the
18 estimated date and estimated amount of each payment.

19 Immediately upon the issuance of bonds for which an
20 estimated schedule of debt service payments was prepared, the
21 Authority shall file an amended certification with respect to
22 item (2) above, to specify the actual schedule of debt service
23 payments, including the date and amount of each payment, for
24 the remainder of the State fiscal year.

25 On the first day of each month of the State fiscal year in
26 which there are bonds outstanding with respect to which the

1 certification is made, the State Comptroller shall order
2 transferred and the State Treasurer shall transfer from the
3 General Revenue Fund to the Public Transportation Fund the
4 Additional State Assistance and Additional Financial
5 Assistance in an amount equal to the aggregate of (i)
6 one-twelfth of the sum of the amounts certified under items (1)
7 and (3) above less the amount certified under item (4) above,
8 plus (ii) the amount required to pay debt service on bonds and
9 notes issued during the fiscal year, if any, divided by the
10 number of months remaining in the fiscal year after the date of
11 issuance, or some smaller portion as may be necessary under
12 subsection (c) or (c-5) of this Section for the relevant State
13 fiscal year, plus (iii) any cumulative deficiencies in
14 transfers for prior months, until an amount equal to the sum of
15 the amounts certified under items (1) and (3) above, plus the
16 actual debt service certified under item (2) above, less the
17 amount certified under item (4) above, has been transferred;
18 except that these transfers are subject to the following
19 limits:

20 (A) In no event shall the total transfers in any State
21 fiscal year relating to outstanding bonds and notes issued
22 by the Authority under subdivision (g)(2) of Section 4.04
23 exceed the lesser of the annual maximum amount specified in
24 subsection (c) or the sum of the amounts certified under
25 items (1) and (3) above, plus the actual debt service
26 certified under item (2) above, less the amount certified

1 under item (4) above, with respect to those bonds and
2 notes.

3 (B) In no event shall the total transfers in any State
4 fiscal year relating to outstanding bonds and notes issued
5 by the Authority under subdivision (g)(3) of Section 4.04
6 exceed the lesser of the annual maximum amount specified in
7 subsection (c-5) or the sum of the amounts certified under
8 items (1) and (3) above, plus the actual debt service
9 certified under item (2) above, less the amount certified
10 under item (4) above, with respect to those bonds and
11 notes.

12 The term "outstanding" does not include bonds or notes for
13 which refunding or advance refunding bonds or notes have been
14 issued.

15 (e) Neither Additional State Assistance nor Additional
16 Financial Assistance may be pledged, either directly or
17 indirectly as general revenues of the Authority, as security
18 for any bonds issued by the Authority. The Authority may not
19 assign its right to receive Additional State Assistance or
20 Additional Financial Assistance, or direct payment of
21 Additional State Assistance or Additional Financial
22 Assistance, to a trustee or any other entity for the payment of
23 debt service on its bonds.

24 (f) The certification required under subsection (d) with
25 respect to outstanding bonds and notes of the Authority shall
26 be filed as early as practicable before the beginning of the

1 State fiscal year to which it relates. The certification shall
2 be revised as may be necessary to accurately state the debt
3 service requirements of the Authority.

4 (g) Within 6 months of the end of each fiscal year, the
5 Authority shall determine:

6 (i) whether the aggregate of all system generated
7 revenues for public transportation in the metropolitan
8 region which is provided by, or under grant or purchase of
9 service contracts with, the Service Boards equals 50% of
10 the aggregate of all costs of providing such public
11 transportation. "System generated revenues" include all
12 the proceeds of fares and charges for services provided,
13 contributions received in connection with public
14 transportation from units of local government other than
15 the Authority, except for contributions received by the
16 Chicago Transit Authority from a real estate transfer tax
17 imposed under subsection (i) of Section 8-3-19 of the
18 Illinois Municipal Code, and from the State pursuant to
19 subsection (i) of Section 2705-305 of the Department of
20 Transportation Law (20 ILCS 2705/2705-305), and all other
21 revenues properly included consistent with generally
22 accepted accounting principles but may not include: the
23 proceeds from any borrowing, and, beginning with the 2007
24 fiscal year, all revenues and receipts, including but not
25 limited to fares and grants received from the federal,
26 State or any unit of local government or other entity,

1 derived from providing ADA paratransit service pursuant to
2 Section 2.30 of the Regional Transportation Authority Act.
3 "Costs" include all items properly included as operating
4 costs consistent with generally accepted accounting
5 principles, including administrative costs, but do not
6 include: depreciation; payment of principal and interest
7 on bonds, notes or other evidences of obligations for
8 borrowed money of the Authority; payments with respect to
9 public transportation facilities made pursuant to
10 subsection (b) of Section 2.20; any payments with respect
11 to rate protection contracts, credit enhancements or
12 liquidity agreements made under Section 4.14; any other
13 cost as to which it is reasonably expected that a cash
14 expenditure will not be made; costs for passenger security
15 including grants, contracts, personnel, equipment and
16 administrative expenses, except in the case of the Chicago
17 Transit Authority, in which case the term does not include
18 costs spent annually by that entity for protection against
19 crime as required by Section 27a of the Metropolitan
20 Transit Authority Act; the costs of Debt Service paid by
21 the Chicago Transit Authority, as defined in Section 12c of
22 the Metropolitan Transit Authority Act, or bonds or notes
23 issued pursuant to that Section; the payment by the
24 Commuter Rail Division of debt service on bonds issued
25 pursuant to Section 3B.09; expenses incurred by the
26 Suburban Bus Division for the cost of new public

1 transportation services funded from grants pursuant to
2 Section 2.01e of this amendatory Act of the 95th General
3 Assembly for a period of 2 years from the date of
4 initiation of each such service; costs as exempted by the
5 Board for projects pursuant to Section 2.09 of this Act;
6 or, beginning with the 2007 fiscal year, expenses related
7 to providing ADA paratransit service pursuant to Section
8 2.30 of the Regional Transportation Authority Act; or in
9 fiscal years 2008 through 2012 inclusive, costs in the
10 amount of \$200,000,000 in fiscal year 2008, reducing by
11 \$40,000,000 in each fiscal year thereafter until this
12 exemption is eliminated. If said system generated revenues
13 are less than 50% of said costs, the Board shall remit an
14 amount equal to the amount of the deficit to the State. The
15 Treasurer shall deposit any such payment in the General
16 Revenue Fund; and

17 (ii) whether, beginning with the 2007 fiscal year, the
18 aggregate of all fares charged and received for ADA
19 paratransit services equals the system generated ADA
20 paratransit services revenue recovery ratio percentage of
21 the aggregate of all costs of providing such ADA
22 paratransit services.

23 (h) If the Authority makes any payment to the State under
24 paragraph (g), the Authority shall reduce the amount provided
25 to a Service Board from funds transferred under paragraph (a)
26 in proportion to the amount by which that Service Board failed

1 to meet its required system generated revenues recovery ratio.
2 A Service Board which is affected by a reduction in funds under
3 this paragraph shall submit to the Authority concurrently with
4 its next due quarterly report a revised budget incorporating
5 the reduction in funds. The revised budget must meet the
6 criteria specified in clauses (i) through (vi) of Section
7 4.11(b)(2). The Board shall review and act on the revised
8 budget as provided in Section 4.11(b)(3).

9 (Source: P.A. 94-370, eff. 7-29-05; 95-708, eff. 1-18-08;
10 95-906, eff. 8-26-08.)

11 (30 ILCS 608/Act rep.)

12 Section 90. The State Facilities Closure Act is repealed.

13 Section 97. Severability. The provisions of this Act are
14 severable under Section 1.31 of the Statute on Statutes.

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

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 100/1-100 new

4 5 ILCS 100/5-45 from Ch. 127, par. 1005-45

5 30 ILCS 105/6z-69

6 30 ILCS 105/8g

7 30 ILCS 740/2-3 from Ch. 111 2/3, par. 663

8 30 ILCS 740/2-15 from Ch. 111 2/3, par. 675.1

9 70 ILCS 3615/4.09 from Ch. 111 2/3, par. 704.09

10 30 ILCS 608/Act rep.