



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1347

Introduced 2/9/2011, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

30 ILCS 105/8h
30 ILCS 740/2-3

from Ch. 111 2/3, par. 663

Amends the Downstate Public Transportation Act and the State Finance Act. Provides that the Downstate Public Transportation Fund is not subject to sweeps, administrative charge-backs, or any other fiscal or budgetary maneuver that would transfer any amounts from the Downstate Public Transportation Fund into any other fund of the State unless specifically authorized by law. Effective immediately.

LRB097 05370 PJG 45427 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The State Finance Act is amended by changing
5 Section 8h as follows:

6 (30 ILCS 105/8h)

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

8 (a) Except as otherwise provided in this Section and
9 Section 8n of this Act, and notwithstanding any other State law
10 to the contrary, the Governor may, through June 30, 2007, from
11 time to time direct the State Treasurer and Comptroller to
12 transfer a specified sum from any fund held by the State
13 Treasurer to the General Revenue Fund in order to help defray
14 the State's operating costs for the fiscal year. The total
15 transfer under this Section from any fund in any fiscal year
16 shall not exceed the lesser of (i) 8% of the revenues to be
17 deposited into the fund during that fiscal year or (ii) an
18 amount that leaves a remaining fund balance of 25% of the July
19 1 fund balance of that fiscal year. In fiscal year 2005 only,
20 prior to calculating the July 1, 2004 final balances, the
21 Governor may calculate and direct the State Treasurer with the
22 Comptroller to transfer additional amounts determined by
23 applying the formula authorized in Public Act 93-839 to the

1 funds balances on July 1, 2003. No transfer may be made from a
2 fund under this Section that would have the effect of reducing
3 the available balance in the fund to an amount less than the
4 amount remaining unexpended and unreserved from the total
5 appropriation from that fund estimated to be expended for that
6 fiscal year. This Section does not apply to any funds that are
7 restricted by federal law to a specific use, to any funds in
8 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the
9 Hospital Provider Fund, the Medicaid Provider Relief Fund, the
10 Teacher Health Insurance Security Fund, the Voters' Guide Fund,
11 the Foreign Language Interpreter Fund, the Lawyers' Assistance
12 Program Fund, the Supreme Court Federal Projects Fund, the
13 Supreme Court Special State Projects Fund, the Supplemental
14 Low-Income Energy Assistance Fund, the Good Samaritan Energy
15 Trust Fund, the Low-Level Radioactive Waste Facility
16 Development and Operation Fund, the Horse Racing Equity Trust
17 Fund, the Metabolic Screening and Treatment Fund, or the
18 Hospital Basic Services Preservation Fund, or to any funds to
19 which Section 70-50 of the Nurse Practice Act applies. No
20 transfers may be made under this Section from the Pet
21 Population Control Fund. Notwithstanding any other provision
22 of this Section, for fiscal year 2004, the total transfer under
23 this Section from the Road Fund or the State Construction
24 Account Fund shall not exceed the lesser of (i) 5% of the
25 revenues to be deposited into the fund during that fiscal year
26 or (ii) 25% of the beginning balance in the fund. For fiscal

1 year 2005 through fiscal year 2007, no amounts may be
2 transferred under this Section from the Road Fund, the State
3 Construction Account Fund, the Criminal Justice Information
4 Systems Trust Fund, the Wireless Service Emergency Fund, or the
5 Mandatory Arbitration Fund.

6 In determining the available balance in a fund, the
7 Governor may include receipts, transfers into the fund, and
8 other resources anticipated to be available in the fund in that
9 fiscal year.

10 The State Treasurer and Comptroller shall transfer the
11 amounts designated under this Section as soon as may be
12 practicable after receiving the direction to transfer from the
13 Governor.

14 (a-5) Transfers directed to be made under this Section on
15 or before February 28, 2006 that are still pending on May 19,
16 2006 (the effective date of Public Act 94-774) shall be
17 redirected as provided in Section 8n of this Act.

18 (b) This Section does not apply to: (i) the Carolyn Adams
19 Ticket For The Cure Grant Fund; (ii) any fund established under
20 the Community Senior Services and Resources Act; or (iii) on or
21 after January 1, 2006 (the effective date of Public Act
22 94-511), the Child Labor and Day and Temporary Labor
23 Enforcement Fund.

24 (c) This Section does not apply to the Demutualization
25 Trust Fund established under the Uniform Disposition of
26 Unclaimed Property Act.

1 (d) This Section does not apply to moneys set aside in the
2 Illinois State Podiatric Disciplinary Fund for podiatric
3 scholarships and residency programs under the Podiatric
4 Scholarship and Residency Act.

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

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

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

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

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

20 (j) This Section does not apply to the Domestic Violence
21 Shelter and Service Fund.

22 (k) This Section does not apply to the Illinois Historic
23 Sites Fund and the Presidential Library and Museum Operating
24 Fund.

25 (l) This Section does not apply to the Trucking
26 Environmental and Education Fund.

1 (m) This Section does not apply to the Roadside Memorial
2 Fund.

3 (n) This Section does not apply to the Department of Human
4 Rights Special Fund.

5 (o) This Section does not apply to the Downstate Public
6 Transportation Fund.

7 (Source: P.A. 95-331, eff. 8-21-07; 95-410, eff. 8-24-07;
8 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639, eff.
9 10-5-07; 95-695, eff. 11-5-07; 95-744, eff. 7-18-08; 95-876,
10 eff. 8-21-08; 96-302, eff. 1-1-10; 96-450, eff. 8-14-09;
11 96-511, eff. 8-14-09; 96-576, eff. 8-18-09; 96-667, eff.
12 8-25-09; 96-786, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1290,
13 eff. 7-26-10.)

14 Section 10. The Downstate Public Transportation Act is
15 amended by changing Section 2-3 as follows:

16 (30 ILCS 740/2-3) (from Ch. 111 2/3, par. 663)

17 Sec. 2-3. (a) As soon as possible after the first day of
18 each month, beginning July 1, 1984, upon certification of the
19 Department of Revenue, the Comptroller shall order
20 transferred, and the Treasurer shall transfer, from the General
21 Revenue Fund to a special fund in the State Treasury which is
22 hereby created, to be known as the "Downstate Public
23 Transportation Fund", an amount equal to 2/32 (beginning July
24 1, 2005, 3/32) of the net revenue realized from the "Retailers'

1 Occupation Tax Act", as now or hereafter amended, the "Service
2 Occupation Tax Act", as now or hereafter amended, the "Use Tax
3 Act", as now or hereafter amended, and the "Service Use Tax
4 Act", as now or hereafter amended, from persons incurring
5 municipal or county retailers' or service occupation tax
6 liability for the benefit of any municipality or county located
7 wholly within the boundaries of each participant other than any
8 Metro-East Transit District participant certified pursuant to
9 subsection (c) of this Section during the preceding month,
10 except that the Department shall pay into the Downstate Public
11 Transportation Fund 2/32 (beginning July 1, 2005, 3/32) of 80%
12 of the net revenue realized under the State tax Acts named
13 above within any municipality or county located wholly within
14 the boundaries of each participant, other than any Metro-East
15 participant, for tax periods beginning on or after January 1,
16 1990. Net revenue realized for a month shall be the revenue
17 collected by the State pursuant to such Acts during the
18 previous month from persons incurring municipal or county
19 retailers' or service occupation tax liability for the benefit
20 of any municipality or county located wholly within the
21 boundaries of a participant, less the amount paid out during
22 that same month as refunds or credit memoranda to taxpayers for
23 overpayment of liability under such Acts for the benefit of any
24 municipality or county located wholly within the boundaries of
25 a participant.

26 (b) As soon as possible after the first day of each month,

1 beginning July 1, 1989, upon certification of the Department of
2 Revenue, the Comptroller shall order transferred, and the
3 Treasurer shall transfer, from the General Revenue Fund to a
4 special fund in the State Treasury which is hereby created, to
5 be known as the "Metro-East Public Transportation Fund", an
6 amount equal to $2/32$ of the net revenue realized, as above,
7 from within the boundaries of Madison, Monroe, and St. Clair
8 Counties, except that the Department shall pay into the
9 Metro-East Public Transportation Fund $2/32$ of 80% of the net
10 revenue realized under the State tax Acts specified in
11 subsection (a) of this Section within the boundaries of
12 Madison, Monroe and St. Clair Counties for tax periods
13 beginning on or after January 1, 1990. A local match equivalent
14 to an amount which could be raised by a tax levy at the rate of
15 .05% on the assessed value of property within the boundaries of
16 Madison County is required annually to cause a total of $2/32$ of
17 the net revenue to be deposited in the Metro-East Public
18 Transportation Fund. Failure to raise the required local match
19 annually shall result in only $1/32$ being deposited into the
20 Metro-East Public Transportation Fund after July 1, 1989, or
21 $1/32$ of 80% of the net revenue realized for tax periods
22 beginning on or after January 1, 1990.

23 (b-5) As soon as possible after the first day of each
24 month, beginning July 1, 2005, upon certification of the
25 Department of Revenue, the Comptroller shall order
26 transferred, and the Treasurer shall transfer, from the General

1 Revenue Fund to the Downstate Public Transportation Fund, an
2 amount equal to 3/32 of 80% of the net revenue realized from
3 within the boundaries of Monroe and St. Clair Counties under
4 the State Tax Acts specified in subsection (a) of this Section
5 and provided further that, beginning July 1, 2005, the
6 provisions of subsection (b) shall no longer apply with respect
7 to such tax receipts from Monroe and St. Clair Counties.

8 (b-6) As soon as possible after the first day of each
9 month, beginning July 1, 2008, upon certification by the
10 Department of Revenue, the Comptroller shall order transferred
11 and the Treasurer shall transfer, from the General Revenue Fund
12 to the Downstate Public Transportation Fund, an amount equal to
13 3/32 of 80% of the net revenue realized from within the
14 boundaries of Madison County under the State Tax Acts specified
15 in subsection (a) of this Section and provided further that,
16 beginning July 1, 2008, the provisions of subsection (b) shall
17 no longer apply with respect to such tax receipts from Madison
18 County.

19 (c) The Department shall certify to the Department of
20 Revenue the eligible participants under this Article and the
21 territorial boundaries of such participants for the purposes of
22 the Department of Revenue in subsections (a) and (b) of this
23 Section.

24 (d) For the purposes of this Article, beginning in fiscal
25 year 2009 the General Assembly shall appropriate an amount from
26 the Downstate Public Transportation Fund equal to the sum total

1 funds projected to be paid to the participants pursuant to
2 Section 2-7. If the General Assembly fails to make
3 appropriations sufficient to cover the amounts projected to be
4 paid pursuant to Section 2-7, this Act shall constitute an
5 irrevocable and continuing appropriation from the Downstate
6 Public Transportation Fund of all amounts necessary for those
7 purposes.

8 (e) On and after the effective date of this amendatory Act
9 of the 97th General Assembly, the Downstate Public
10 Transportation Fund is not subject to sweeps, administrative
11 charge-backs, including but not limited to those authorized
12 under Section 8h of the State Finance Act, or any other fiscal
13 or budgetary maneuver that would in any way transfer any
14 amounts from the Downstate Public Transportation Fund into any
15 other fund of the State unless specifically authorized by law.

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

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.