



Sen. Pamela J. Althoff

Filed: 2/22/2012

09700SB2514sam001

LRB097 14324 PJG 66339 a

1 AMENDMENT TO SENATE BILL 2514

2 AMENDMENT NO. _____. Amend Senate Bill 2514 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by changing
5 Sections 5, 5d, and 8.3 as follows:

6 (30 ILCS 105/5) (from Ch. 127, par. 141)

7 Sec. 5. Special funds.

8 (a) There are special funds in the State Treasury
9 designated as specified in the Sections which succeed this
10 Section 5 and precede Section 6.

11 (b) Except as provided in the Illinois Motor Vehicle Theft
12 Prevention Act, when any special fund in the State Treasury is
13 discontinued by an Act of the General Assembly, any balance
14 remaining therein on the effective date of such Act shall be
15 transferred to the General Revenue Fund, or to such other fund
16 as such Act shall provide. Warrants outstanding against such

1 discontinued fund at the time of the transfer of any such
2 balance therein shall be paid out of the fund to which the
3 transfer was made.

4 (c) When any special fund in the State Treasury has been
5 inactive for 18 months or longer, the fund is automatically
6 terminated by operation of law and the balance remaining in
7 such fund shall be transferred by the Comptroller to the
8 General Revenue Fund. When a special fund has been terminated
9 by operation of law as provided in this Section, the General
10 Assembly shall repeal or amend all Sections of the statutes
11 creating or otherwise referring to that fund.

12 The Comptroller shall be allowed the discretion to maintain
13 or dissolve any federal trust fund which has been inactive for
14 18 months or longer.

15 (d) (Blank).

16 (e) (Blank).

17 (f) Beginning on the effective date of this amendatory Act
18 of the 97th General Assembly, and notwithstanding any other law
19 to the contrary, neither the Motor Fuel Tax Fund, the State
20 Construction Account Fund, the Public Transportation Fund, the
21 Downstate Public Transportation Fund, the Regional
22 Transportation Authority Occupation and Use Tax Replacement
23 Fund, nor the Road Fund shall be subject to sweeps,
24 administrative charges or chargebacks, or any other fiscal or
25 budgetary maneuver that would transfer any amount from those
26 Funds into any other Fund of the State unless specifically

1 authorized by law prior to the effective date of this
2 amendatory Act of the 97th General Assembly. It shall not be
3 lawful to circumvent this limitation by governmental
4 reorganization or other methods.

5 (Source: P.A. 90-372, eff. 7-1-98.)

6 (30 ILCS 105/5d) (from Ch. 127, par. 141d)

7 Sec. 5d. Except as provided by Section 5e of this Act, the
8 State Construction Account Fund shall be used exclusively for
9 the construction, reconstruction and maintenance of the State
10 maintained highway system. Except as provided by Section 5e of
11 this Act, none of the money deposited in the State Construction
12 Account Fund shall be used to pay the cost of administering the
13 Motor Fuel Tax Law as now or hereafter amended, nor be
14 appropriated for use by the Department of Transportation to pay
15 the cost of its operations or administration, nor be used in
16 any manner for the payment of regular or contractual employees
17 of the State, nor be transferred or allocated by the
18 Comptroller and Treasurer or be otherwise used, except for the
19 sole purpose of construction, reconstruction and maintenance
20 of the State maintained highway system as the Illinois General
21 Assembly shall provide by appropriation from this fund.
22 Beginning with the month immediately following the effective
23 date of this amendatory Act of 1985, investment income which is
24 attributable to the investment of moneys of the State
25 Construction Account Fund shall be retained in that fund for

1 the uses specified in this Section.

2 Beginning on the effective date of this amendatory Act of
3 the 97th General Assembly, and notwithstanding any other law to
4 the contrary, the State Construction Account Fund shall not be
5 subject to sweeps, administrative charges or chargebacks, or
6 any other fiscal or budgetary maneuver that would transfer any
7 amount from this Fund into any other Fund of the State unless
8 specifically authorized by law prior to the effective date of
9 this amendatory Act of the 97th General Assembly. It shall not
10 be lawful to circumvent this limitation by governmental
11 reorganization or other methods.

12 (Source: P.A. 84-431.)

13 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

14 Sec. 8.3. Money in the Road Fund shall, if and when the
15 State of Illinois incurs any bonded indebtedness for the
16 construction of permanent highways, be set aside and used for
17 the purpose of paying and discharging annually the principal
18 and interest on that bonded indebtedness then due and payable,
19 and for no other purpose. The surplus, if any, in the Road Fund
20 after the payment of principal and interest on that bonded
21 indebtedness then annually due shall be used as follows:

22 first -- to pay the cost of administration of Chapters
23 2 through 10 of the Illinois Vehicle Code, except the cost
24 of administration of Articles I and II of Chapter 3 of that
25 Code; and

1 secondly -- for expenses of the Department of
2 Transportation for construction, reconstruction,
3 improvement, repair, maintenance, operation, and
4 administration of highways in accordance with the
5 provisions of laws relating thereto, or for any purpose
6 related or incident to and connected therewith, including
7 the separation of grades of those highways with railroads
8 and with highways and including the payment of awards made
9 by the Illinois Workers' Compensation Commission under the
10 terms of the Workers' Compensation Act or Workers'
11 Occupational Diseases Act for injury or death of an
12 employee of the Division of Highways in the Department of
13 Transportation; or for the acquisition of land and the
14 erection of buildings for highway purposes, including the
15 acquisition of highway right-of-way or for investigations
16 to determine the reasonably anticipated future highway
17 needs; or for making of surveys, plans, specifications and
18 estimates for and in the construction and maintenance of
19 flight strips and of highways necessary to provide access
20 to military and naval reservations, to defense industries
21 and defense-industry sites, and to the sources of raw
22 materials and for replacing existing highways and highway
23 connections shut off from general public use at military
24 and naval reservations and defense-industry sites, or for
25 the purchase of right-of-way, except that the State shall
26 be reimbursed in full for any expense incurred in building

1 the flight strips; or for the operating and maintaining of
2 highway garages; or for patrolling and policing the public
3 highways and conserving the peace; or for the operating
4 expenses of the Department relating to the administration
5 of public transportation programs; or, during fiscal year
6 2012 only, for the purposes of a grant not to exceed
7 \$8,500,000 to the Regional Transportation Authority on
8 behalf of PACE for the purpose of ADA/Para-transit
9 expenses; or for any of those purposes or any other purpose
10 that may be provided by law.

11 Appropriations for any of those purposes are payable from
12 the Road Fund. Appropriations may also be made from the Road
13 Fund for the administrative expenses of any State agency that
14 are related to motor vehicles or arise from the use of motor
15 vehicles.

16 Beginning with fiscal year 1980 and thereafter, no Road
17 Fund monies shall be appropriated to the following Departments
18 or agencies of State government for administration, grants, or
19 operations; but this limitation is not a restriction upon
20 appropriating for those purposes any Road Fund monies that are
21 eligible for federal reimbursement;

22 1. Department of Public Health;

23 2. Department of Transportation, only with respect to
24 subsidies for one-half fare Student Transportation and
25 Reduced Fare for Elderly, except during fiscal year 2012
26 only when no more than \$40,000,000 may be expended;

1 3. Department of Central Management Services, except
2 for expenditures incurred for group insurance premiums of
3 ~~appropriate~~ personnel whose total compensation is paid
4 from the Road Fund;

5 4. Judicial Systems and Agencies.

6 Beginning with fiscal year 1981 and thereafter, no Road
7 Fund monies shall be appropriated to the following Departments
8 or agencies of State government for administration, grants, or
9 operations; but this limitation is not a restriction upon
10 appropriating for those purposes any Road Fund monies that are
11 eligible for federal reimbursement:

12 1. Department of State Police, except for expenditures
13 with respect to the Division of Operations;

14 2. Department of Transportation, only with respect to
15 Intercity Rail Subsidies, except during fiscal year 2012
16 only when no more than \$40,000,000 may be expended, and
17 Rail Freight Services.

18 Beginning with fiscal year 1982 and thereafter, no Road
19 Fund monies shall be appropriated to the following Departments
20 or agencies of State government for administration, grants, or
21 operations; but this limitation is not a restriction upon
22 appropriating for those purposes any Road Fund monies that are
23 eligible for federal reimbursement: Department of Central
24 Management Services, except for awards made by the Illinois
25 Workers' Compensation Commission under the terms of the
26 Workers' Compensation Act or Workers' Occupational Diseases

1 Act for injury or death of an employee of the Division of
2 Highways in the Department of Transportation.

3 Beginning with fiscal year 1984 and thereafter, no Road
4 Fund monies shall be appropriated to the following Departments
5 or agencies of State government for administration, grants, or
6 operations; but this limitation is not a restriction upon
7 appropriating for those purposes any Road Fund monies that are
8 eligible for federal reimbursement:

9 1. Department of State Police, except not more than 40%
10 of the funds appropriated for the Division of Operations;

11 2. State Officers.

12 Beginning with fiscal year 1984 and thereafter, no Road
13 Fund monies shall be appropriated to any Department or agency
14 of State government for administration, grants, or operations
15 except as provided hereafter; but this limitation is not a
16 restriction upon appropriating for those purposes any Road Fund
17 monies that are eligible for federal reimbursement. It shall
18 not be lawful to circumvent the above appropriation limitations
19 by governmental reorganization or other methods.
20 Appropriations shall be made from the Road Fund only in
21 accordance with the provisions of this Section.

22 Money in the Road Fund shall, if and when the State of
23 Illinois incurs any bonded indebtedness for the construction of
24 permanent highways, be set aside and used for the purpose of
25 paying and discharging during each fiscal year the principal
26 and interest on that bonded indebtedness as it becomes due and

1 payable as provided in the Transportation Bond Act, and for no
2 other purpose. The surplus, if any, in the Road Fund after the
3 payment of principal and interest on that bonded indebtedness
4 then annually due shall be used as follows:

5 first -- to pay the cost of administration of Chapters
6 2 through 10 of the Illinois Vehicle Code; and

7 secondly -- no Road Fund monies derived from fees,
8 excises, or license taxes relating to registration,
9 operation and use of vehicles on public highways or to
10 fuels used for the propulsion of those vehicles, shall be
11 appropriated or expended other than for costs of
12 administering the laws imposing those fees, excises, and
13 license taxes, statutory refunds and adjustments allowed
14 thereunder, administrative costs of the Department of
15 Transportation, including, but not limited to, the
16 operating expenses of the Department relating to the
17 administration of public transportation programs, payment
18 of debts and liabilities incurred in construction and
19 reconstruction of public highways and bridges, acquisition
20 of rights-of-way for and the cost of construction,
21 reconstruction, maintenance, repair, and operation of
22 public highways and bridges under the direction and
23 supervision of the State, political subdivision, or
24 municipality collecting those monies, or during fiscal
25 year 2012 only for the purposes of a grant not to exceed
26 \$8,500,000 to the Regional Transportation Authority on

1 behalf of PACE for the purpose of ADA/Para-transit
2 expenses, and the costs for patrolling and policing the
3 public highways (by State, political subdivision, or
4 municipality collecting that money) for enforcement of
5 traffic laws. The separation of grades of such highways
6 with railroads and costs associated with protection of
7 at-grade highway and railroad crossing shall also be
8 permissible.

9 Appropriations for any of such purposes are payable from
10 the Road Fund or the Grade Crossing Protection Fund as provided
11 in Section 8 of the Motor Fuel Tax Law.

12 Except as provided in this paragraph, beginning with fiscal
13 year 1991 and thereafter, no Road Fund monies shall be
14 appropriated to the Department of State Police for the purposes
15 of this Section in excess of its total fiscal year 1990 Road
16 Fund appropriations for those purposes unless otherwise
17 provided in Section 5g of this Act. For fiscal years 2003,
18 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be
19 appropriated to the Department of State Police for the purposes
20 of this Section in excess of \$97,310,000. For fiscal year 2008
21 only, no Road Fund monies shall be appropriated to the
22 Department of State Police for the purposes of this Section in
23 excess of \$106,100,000. For fiscal year 2009 only, no Road Fund
24 monies shall be appropriated to the Department of State Police
25 for the purposes of this Section in excess of \$114,700,000.
26 Beginning in fiscal year 2010, no road fund moneys shall be

1 appropriated to the Department of State Police. It shall not be
2 lawful to circumvent this limitation on appropriations by
3 governmental reorganization or other methods unless otherwise
4 provided in Section 5g of this Act.

5 In fiscal year 1994, no Road Fund monies shall be
6 appropriated to the Secretary of State for the purposes of this
7 Section in excess of the total fiscal year 1991 Road Fund
8 appropriations to the Secretary of State for those purposes,
9 plus \$9,800,000. It shall not be lawful to circumvent this
10 limitation on appropriations by governmental reorganization or
11 other method.

12 Beginning with fiscal year 1995 and thereafter, no Road
13 Fund monies shall be appropriated to the Secretary of State for
14 the purposes of this Section in excess of the total fiscal year
15 1994 Road Fund appropriations to the Secretary of State for
16 those purposes. It shall not be lawful to circumvent this
17 limitation on appropriations by governmental reorganization or
18 other methods.

19 Beginning with fiscal year 2000, total Road Fund
20 appropriations to the Secretary of State for the purposes of
21 this Section shall not exceed the amounts specified for the
22 following fiscal years:

23	Fiscal Year 2000	\$80,500,000;
24	Fiscal Year 2001	\$80,500,000;
25	Fiscal Year 2002	\$80,500,000;
26	Fiscal Year 2003	\$130,500,000;

1	Fiscal Year 2004	\$130,500,000;
2	Fiscal Year 2005	\$130,500,000;
3	Fiscal Year 2006	\$130,500,000;
4	Fiscal Year 2007	\$130,500,000;
5	Fiscal Year 2008	\$130,500,000;
6	Fiscal Year 2009	\$130,500,000.

7 For fiscal year 2010, no road fund moneys shall be
8 appropriated to the Secretary of State.

9 Beginning in fiscal year 2011, moneys in the Road Fund
10 shall be appropriated to the Secretary of State for the
11 exclusive purpose of paying refunds due to overpayment of fees
12 related to Chapter 3 of the Illinois Vehicle Code unless
13 otherwise provided for by law.

14 It shall not be lawful to circumvent this limitation on
15 appropriations by governmental reorganization or other
16 methods.

17 No new program may be initiated in fiscal year 1991 and
18 thereafter that is not consistent with the limitations imposed
19 by this Section for fiscal year 1984 and thereafter, insofar as
20 appropriation of Road Fund monies is concerned.

21 Nothing in this Section prohibits transfers from the Road
22 Fund to the State Construction Account Fund under Section 5e of
23 this Act; nor to the General Revenue Fund, as authorized by
24 this amendatory Act of the 93rd General Assembly.

25 The additional amounts authorized for expenditure in this
26 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91

1 shall be repaid to the Road Fund from the General Revenue Fund
2 in the next succeeding fiscal year that the General Revenue
3 Fund has a positive budgetary balance, as determined by
4 generally accepted accounting principles applicable to
5 government.

6 The additional amounts authorized for expenditure by the
7 Secretary of State and the Department of State Police in this
8 Section by this amendatory Act of the 94th General Assembly
9 shall be repaid to the Road Fund from the General Revenue Fund
10 in the next succeeding fiscal year that the General Revenue
11 Fund has a positive budgetary balance, as determined by
12 generally accepted accounting principles applicable to
13 government.

14 Beginning on the effective date of this amendatory Act of
15 the 97th General Assembly, and notwithstanding any other law to
16 the contrary, the Road Fund shall not be subject to sweeps,
17 administrative charges or chargebacks, or any other fiscal or
18 budgetary maneuver that would transfer any amount from this
19 Fund into any other Fund of the State unless specifically
20 authorized by law prior to the effective date of this
21 amendatory Act of the 97th General Assembly. It shall not be
22 lawful to circumvent this limitation by governmental
23 reorganization or other methods.

24 (Source: P.A. 96-34, eff. 7-13-09; 96-959, eff. 7-1-10; 97-72,
25 eff. 7-1-11.)

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

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

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

1 participant, for tax periods beginning on or after January 1,
2 1990. Net revenue realized for a month shall be the revenue
3 collected by the State pursuant to such Acts during the
4 previous month from persons incurring municipal or county
5 retailers' or service occupation tax liability for the benefit
6 of any municipality or county located wholly within the
7 boundaries of a participant, less the amount paid out during
8 that same month as refunds or credit memoranda to taxpayers for
9 overpayment of liability under such Acts for the benefit of any
10 municipality or county located wholly within the boundaries of
11 a participant.

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

1 .05% on the assessed value of property within the boundaries of
2 Madison County is required annually to cause a total of 2/32 of
3 the net revenue to be deposited in the Metro-East Public
4 Transportation Fund. Failure to raise the required local match
5 annually shall result in only 1/32 being deposited into the
6 Metro-East Public Transportation Fund after July 1, 1989, or
7 1/32 of 80% of the net revenue realized for tax periods
8 beginning on or after January 1, 1990.

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

20 (b-6) As soon as possible after the first day of each
21 month, beginning July 1, 2008, upon certification by the
22 Department of Revenue, the Comptroller shall order transferred
23 and the Treasurer shall transfer, from the General Revenue Fund
24 to the Downstate Public Transportation Fund, an amount equal to
25 3/32 of 80% of the net revenue realized from within the
26 boundaries of Madison County under the State Tax Acts specified

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

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

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

20 (e) Notwithstanding anything in this Section to the
21 contrary, amounts transferred from the General Revenue Fund to
22 the Downstate Public Transportation Fund pursuant to this
23 Section shall not exceed \$169,000,000 in State fiscal year
24 2012.

25 (f) Beginning on the effective date of this amendatory Act
26 of the 97th General Assembly, and notwithstanding any other law

1 to the contrary, the Downstate Public Transportation Fund shall
2 not be subject to sweeps, administrative charges or
3 chargebacks, or any other fiscal or budgetary maneuver that
4 would transfer any amount from this Fund into any other Fund of
5 the State unless specifically authorized by law prior to the
6 effective date of this amendatory Act of the 97th General
7 Assembly. It shall not be lawful to circumvent this limitation
8 by governmental reorganization or other methods.

9 (Source: P.A. 97-641, eff. 12-19-11.)

10 (30 ILCS 740/2-15) (from Ch. 111 2/3, par. 675.1)

11 Sec. 2-15. Residual fund balance.

12 (a) Except as otherwise provided in this Section, all funds
13 which remain in the Downstate Public Transportation Fund or the
14 Metro-East Public Transportation Fund after the payment of the
15 fourth quarterly payment to participants other than Metro-East
16 Transit District participants and the last monthly payment to
17 Metro-East Transit participants in each fiscal year shall be
18 transferred (i) to the General Revenue Fund through fiscal year
19 2008 and (ii) to the Downstate Transit Improvement Fund for
20 fiscal year 2009 and each fiscal year thereafter. Transfers
21 shall be made no later than 90 days following the end of such
22 fiscal year. Beginning fiscal year 2010, all moneys each year
23 in the Downstate Transit Improvement Fund, held solely for the
24 benefit of the participants in the Downstate Public
25 Transportation Fund and shall be appropriated to the Department

1 to make competitive capital grants to the participants of the
2 respective funds. However, such amount as the Department
3 determines to be necessary for (1) allocation to participants
4 for the purposes of Section 2-7 for the first quarter of the
5 succeeding fiscal year and (2) an amount equal to 2% of the
6 total allocations to participants in the fiscal year just ended
7 to be used for the purpose of audit adjustments shall be
8 retained in such Funds to be used by the Department for such
9 purposes.

10 (b) Notwithstanding any other provision of law, in addition
11 to any other transfers that may be provided by law, on July 1,
12 2011, or as soon thereafter as practical, the State Comptroller
13 shall direct and the State Treasurer shall transfer the
14 remaining balance from the Metro East Public Transportation
15 Fund into the General Revenue Fund. Upon completion of the
16 transfers, the Metro East Public Transportation Fund is
17 dissolved, and any future deposits due to that Fund and any
18 outstanding obligations or liabilities of that Fund pass to the
19 General Revenue Fund.

20 (c) Beginning on the effective date of this amendatory Act
21 of the 97th General Assembly, and notwithstanding any other law
22 to the contrary, the Downstate Public Transportation Fund shall
23 not be subject to sweeps, administrative charges or
24 chargebacks, or any other fiscal or budgetary maneuver that
25 would transfer any amount from this Fund into any other Fund of
26 the State unless specifically authorized by law prior to the

1 effective date of this amendatory Act of the 97th General
2 Assembly. It shall not be lawful to circumvent this limitation
3 by governmental reorganization or other methods.

4 (Source: P.A. 97-72, eff. 7-1-11.)

5 Section 15. The Motor Fuel Tax Law is amended by changing
6 Section 8 as follows:

7 (35 ILCS 505/8) (from Ch. 120, par. 424)

8 Sec. 8. Except as provided in Section 8a, subdivision
9 (h) (1) of Section 12a, Section 13a.6, and items 13, 14, 15, and
10 16 of Section 15, all money received by the Department under
11 this Act, including payments made to the Department by member
12 jurisdictions participating in the International Fuel Tax
13 Agreement, shall be deposited in a special fund in the State
14 treasury, to be known as the "Motor Fuel Tax Fund", and shall
15 be used as follows:

16 (a) 2 1/2 cents per gallon of the tax collected on special
17 fuel under paragraph (b) of Section 2 and Section 13a of this
18 Act shall be transferred to the State Construction Account Fund
19 in the State Treasury;

20 (b) \$420,000 shall be transferred each month to the State
21 Boating Act Fund to be used by the Department of Natural
22 Resources for the purposes specified in Article X of the Boat
23 Registration and Safety Act;

24 (c) \$3,500,000 shall be transferred each month to the Grade

1 Crossing Protection Fund to be used as follows: not less than
2 \$12,000,000 each fiscal year shall be used for the construction
3 or reconstruction of rail highway grade separation structures;
4 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in
5 fiscal year 2010 and each fiscal year thereafter shall be
6 transferred to the Transportation Regulatory Fund and shall be
7 accounted for as part of the rail carrier portion of such funds
8 and shall be used to pay the cost of administration of the
9 Illinois Commerce Commission's railroad safety program in
10 connection with its duties under subsection (3) of Section
11 18c-7401 of the Illinois Vehicle Code, with the remainder to be
12 used by the Department of Transportation upon order of the
13 Illinois Commerce Commission, to pay that part of the cost
14 apportioned by such Commission to the State to cover the
15 interest of the public in the use of highways, roads, streets,
16 or pedestrian walkways in the county highway system, township
17 and district road system, or municipal street system as defined
18 in the Illinois Highway Code, as the same may from time to time
19 be amended, for separation of grades, for installation,
20 construction or reconstruction of crossing protection or
21 reconstruction, alteration, relocation including construction
22 or improvement of any existing highway necessary for access to
23 property or improvement of any grade crossing and grade
24 crossing surface including the necessary highway approaches
25 thereto of any railroad across the highway or public road, or
26 for the installation, construction, reconstruction, or

1 maintenance of a pedestrian walkway over or under a railroad
2 right-of-way, as provided for in and in accordance with Section
3 18c-7401 of the Illinois Vehicle Code. The Commission may order
4 up to \$2,000,000 per year in Grade Crossing Protection Fund
5 moneys for the improvement of grade crossing surfaces and up to
6 \$300,000 per year for the maintenance and renewal of 4-quadrant
7 gate vehicle detection systems located at non-high speed rail
8 grade crossings. The Commission shall not order more than
9 \$2,000,000 per year in Grade Crossing Protection Fund moneys
10 for pedestrian walkways. In entering orders for projects for
11 which payments from the Grade Crossing Protection Fund will be
12 made, the Commission shall account for expenditures authorized
13 by the orders on a cash rather than an accrual basis. For
14 purposes of this requirement an "accrual basis" assumes that
15 the total cost of the project is expended in the fiscal year in
16 which the order is entered, while a "cash basis" allocates the
17 cost of the project among fiscal years as expenditures are
18 actually made. To meet the requirements of this subsection, the
19 Illinois Commerce Commission shall develop annual and 5-year
20 project plans of rail crossing capital improvements that will
21 be paid for with moneys from the Grade Crossing Protection
22 Fund. The annual project plan shall identify projects for the
23 succeeding fiscal year and the 5-year project plan shall
24 identify projects for the 5 directly succeeding fiscal years.
25 The Commission shall submit the annual and 5-year project plans
26 for this Fund to the Governor, the President of the Senate, the

1 Senate Minority Leader, the Speaker of the House of
2 Representatives, and the Minority Leader of the House of
3 Representatives on the first Wednesday in April of each year;

4 (d) of the amount remaining after allocations provided for
5 in subsections (a), (b) and (c), a sufficient amount shall be
6 reserved to pay all of the following:

7 (1) the costs of the Department of Revenue in
8 administering this Act;

9 (2) the costs of the Department of Transportation in
10 performing its duties imposed by the Illinois Highway Code
11 for supervising the use of motor fuel tax funds apportioned
12 to municipalities, counties and road districts;

13 (3) refunds provided for in Section 13, refunds for
14 overpayment of decal fees paid under Section 13a.4 of this
15 Act, and refunds provided for under the terms of the
16 International Fuel Tax Agreement referenced in Section
17 14a;

18 (4) from October 1, 1985 until June 30, 1994, the
19 administration of the Vehicle Emissions Inspection Law,
20 which amount shall be certified monthly by the
21 Environmental Protection Agency to the State Comptroller
22 and shall promptly be transferred by the State Comptroller
23 and Treasurer from the Motor Fuel Tax Fund to the Vehicle
24 Inspection Fund, and for the period July 1, 1994 through
25 June 30, 2000, one-twelfth of \$25,000,000 each month, for
26 the period July 1, 2000 through June 30, 2003, one-twelfth

1 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,
2 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each
3 July 1 and October 1, or as soon thereafter as may be
4 practical, during the period July 1, 2004 through June 30,
5 2012, for the administration of the Vehicle Emissions
6 Inspection Law of 2005, to be transferred by the State
7 Comptroller and Treasurer from the Motor Fuel Tax Fund into
8 the Vehicle Inspection Fund;

9 (5) amounts ordered paid by the Court of Claims; and

10 (6) payment of motor fuel use taxes due to member
11 jurisdictions under the terms of the International Fuel Tax
12 Agreement. The Department shall certify these amounts to
13 the Comptroller by the 15th day of each month; the
14 Comptroller shall cause orders to be drawn for such
15 amounts, and the Treasurer shall administer those amounts
16 on or before the last day of each month;

17 (e) after allocations for the purposes set forth in
18 subsections (a), (b), (c) and (d), the remaining amount shall
19 be apportioned as follows:

20 (1) Until January 1, 2000, 58.4%, and beginning January
21 1, 2000, 45.6% shall be deposited as follows:

22 (A) 37% into the State Construction Account Fund,
23 and

24 (B) 63% into the Road Fund, \$1,250,000 of which
25 shall be reserved each month for the Department of
26 Transportation to be used in accordance with the

1 provisions of Sections 6-901 through 6-906 of the
2 Illinois Highway Code;

3 (2) Until January 1, 2000, 41.6%, and beginning January
4 1, 2000, 54.4% shall be transferred to the Department of
5 Transportation to be distributed as follows:

6 (A) 49.10% to the municipalities of the State,

7 (B) 16.74% to the counties of the State having
8 1,000,000 or more inhabitants,

9 (C) 18.27% to the counties of the State having less
10 than 1,000,000 inhabitants,

11 (D) 15.89% to the road districts of the State.

12 As soon as may be after the first day of each month the
13 Department of Transportation shall allot to each municipality
14 its share of the amount apportioned to the several
15 municipalities which shall be in proportion to the population
16 of such municipalities as determined by the last preceding
17 municipal census if conducted by the Federal Government or
18 Federal census. If territory is annexed to any municipality
19 subsequent to the time of the last preceding census the
20 corporate authorities of such municipality may cause a census
21 to be taken of such annexed territory and the population so
22 ascertained for such territory shall be added to the population
23 of the municipality as determined by the last preceding census
24 for the purpose of determining the allotment for that
25 municipality. If the population of any municipality was not
26 determined by the last Federal census preceding any

1 apportionment, the apportionment to such municipality shall be
2 in accordance with any census taken by such municipality. Any
3 municipal census used in accordance with this Section shall be
4 certified to the Department of Transportation by the clerk of
5 such municipality, and the accuracy thereof shall be subject to
6 approval of the Department which may make such corrections as
7 it ascertains to be necessary.

8 As soon as may be after the first day of each month the
9 Department of Transportation shall allot to each county its
10 share of the amount apportioned to the several counties of the
11 State as herein provided. Each allotment to the several
12 counties having less than 1,000,000 inhabitants shall be in
13 proportion to the amount of motor vehicle license fees received
14 from the residents of such counties, respectively, during the
15 preceding calendar year. The Secretary of State shall, on or
16 before April 15 of each year, transmit to the Department of
17 Transportation a full and complete report showing the amount of
18 motor vehicle license fees received from the residents of each
19 county, respectively, during the preceding calendar year. The
20 Department of Transportation shall, each month, use for
21 allotment purposes the last such report received from the
22 Secretary of State.

23 As soon as may be after the first day of each month, the
24 Department of Transportation shall allot to the several
25 counties their share of the amount apportioned for the use of
26 road districts. The allotment shall be apportioned among the

1 several counties in the State in the proportion which the total
2 mileage of township or district roads in the respective
3 counties bears to the total mileage of all township and
4 district roads in the State. Funds allotted to the respective
5 counties for the use of road districts therein shall be
6 allocated to the several road districts in the county in the
7 proportion which the total mileage of such township or district
8 roads in the respective road districts bears to the total
9 mileage of all such township or district roads in the county.
10 After July 1 of any year prior to 2011, no allocation shall be
11 made for any road district unless it levied a tax for road and
12 bridge purposes in an amount which will require the extension
13 of such tax against the taxable property in any such road
14 district at a rate of not less than either .08% of the value
15 thereof, based upon the assessment for the year immediately
16 prior to the year in which such tax was levied and as equalized
17 by the Department of Revenue or, in DuPage County, an amount
18 equal to or greater than \$12,000 per mile of road under the
19 jurisdiction of the road district, whichever is less. Beginning
20 July 1, 2011 and each July 1 thereafter, an allocation shall be
21 made for any road district if it levied a tax for road and
22 bridge purposes. In counties other than DuPage County, if the
23 amount of the tax levy requires the extension of the tax
24 against the taxable property in the road district at a rate
25 that is less than 0.08% of the value thereof, based upon the
26 assessment for the year immediately prior to the year in which

1 the tax was levied and as equalized by the Department of
2 Revenue, then the amount of the allocation for that road
3 district shall be a percentage of the maximum allocation equal
4 to the percentage obtained by dividing the rate extended by the
5 district by 0.08%. In DuPage County, if the amount of the tax
6 levy requires the extension of the tax against the taxable
7 property in the road district at a rate that is less than the
8 lesser of (i) 0.08% of the value of the taxable property in the
9 road district, based upon the assessment for the year
10 immediately prior to the year in which such tax was levied and
11 as equalized by the Department of Revenue, or (ii) a rate that
12 will yield an amount equal to \$12,000 per mile of road under
13 the jurisdiction of the road district, then the amount of the
14 allocation for the road district shall be a percentage of the
15 maximum allocation equal to the percentage obtained by dividing
16 the rate extended by the district by the lesser of (i) 0.08% or
17 (ii) the rate that will yield an amount equal to \$12,000 per
18 mile of road under the jurisdiction of the road district.

19 Prior to 2011, if any road district has levied a special
20 tax for road purposes pursuant to Sections 6-601, 6-602 and
21 6-603 of the Illinois Highway Code, and such tax was levied in
22 an amount which would require extension at a rate of not less
23 than .08% of the value of the taxable property thereof, as
24 equalized or assessed by the Department of Revenue, or, in
25 DuPage County, an amount equal to or greater than \$12,000 per
26 mile of road under the jurisdiction of the road district,

1 whichever is less, such levy shall, however, be deemed a proper
2 compliance with this Section and shall qualify such road
3 district for an allotment under this Section. Beginning in 2011
4 and thereafter, if any road district has levied a special tax
5 for road purposes under Sections 6-601, 6-602, and 6-603 of the
6 Illinois Highway Code, and the tax was levied in an amount that
7 would require extension at a rate of not less than 0.08% of the
8 value of the taxable property of that road district, as
9 equalized or assessed by the Department of Revenue or, in
10 DuPage County, an amount equal to or greater than \$12,000 per
11 mile of road under the jurisdiction of the road district,
12 whichever is less, that levy shall be deemed a proper
13 compliance with this Section and shall qualify such road
14 district for a full, rather than proportionate, allotment under
15 this Section. If the levy for the special tax is less than
16 0.08% of the value of the taxable property, or, in DuPage
17 County if the levy for the special tax is less than the lesser
18 of (i) 0.08% or (ii) \$12,000 per mile of road under the
19 jurisdiction of the road district, and if the levy for the
20 special tax is more than any other levy for road and bridge
21 purposes, then the levy for the special tax qualifies the road
22 district for a proportionate, rather than full, allotment under
23 this Section. If the levy for the special tax is equal to or
24 less than any other levy for road and bridge purposes, then any
25 allotment under this Section shall be determined by the other
26 levy for road and bridge purposes.

1 Prior to 2011, if a township has transferred to the road
2 and bridge fund money which, when added to the amount of any
3 tax levy of the road district would be the equivalent of a tax
4 levy requiring extension at a rate of at least .08%, or, in
5 DuPage County, an amount equal to or greater than \$12,000 per
6 mile of road under the jurisdiction of the road district,
7 whichever is less, such transfer, together with any such tax
8 levy, shall be deemed a proper compliance with this Section and
9 shall qualify the road district for an allotment under this
10 Section.

11 In counties in which a property tax extension limitation is
12 imposed under the Property Tax Extension Limitation Law, road
13 districts may retain their entitlement to a motor fuel tax
14 allotment or, beginning in 2011, their entitlement to a full
15 allotment if, at the time the property tax extension limitation
16 was imposed, the road district was levying a road and bridge
17 tax at a rate sufficient to entitle it to a motor fuel tax
18 allotment and continues to levy the maximum allowable amount
19 after the imposition of the property tax extension limitation.
20 Any road district may in all circumstances retain its
21 entitlement to a motor fuel tax allotment or, beginning in
22 2011, its entitlement to a full allotment if it levied a road
23 and bridge tax in an amount that will require the extension of
24 the tax against the taxable property in the road district at a
25 rate of not less than 0.08% of the assessed value of the
26 property, based upon the assessment for the year immediately

1 preceding the year in which the tax was levied and as equalized
2 by the Department of Revenue or, in DuPage County, an amount
3 equal to or greater than \$12,000 per mile of road under the
4 jurisdiction of the road district, whichever is less.

5 As used in this Section the term "road district" means any
6 road district, including a county unit road district, provided
7 for by the Illinois Highway Code; and the term "township or
8 district road" means any road in the township and district road
9 system as defined in the Illinois Highway Code. For the
10 purposes of this Section, "township or district road" also
11 includes such roads as are maintained by park districts, forest
12 preserve districts and conservation districts. The Department
13 of Transportation shall determine the mileage of all township
14 and district roads for the purposes of making allotments and
15 allocations of motor fuel tax funds for use in road districts.

16 Payment of motor fuel tax moneys to municipalities and
17 counties shall be made as soon as possible after the allotment
18 is made. The treasurer of the municipality or county may invest
19 these funds until their use is required and the interest earned
20 by these investments shall be limited to the same uses as the
21 principal funds.

22 Beginning on the effective date of this amendatory Act of
23 the 97th General Assembly, and notwithstanding any other law to
24 the contrary, the Motor Fuel Tax Fund shall not be subject to
25 sweeps, administrative charges or chargebacks, or any other
26 fiscal or budgetary maneuver that would transfer any amount

1 from this Fund into any other Fund of the State unless
2 specifically authorized by law prior to the effective date of
3 this amendatory Act of the 97th General Assembly. It shall not
4 be lawful to circumvent this limitation by governmental
5 reorganization or other methods.

6 (Source: P.A. 96-34, eff. 7-13-09; 96-45, eff. 7-15-09; 96-959,
7 eff. 7-1-10; 96-1000, eff. 7-2-10; 96-1024, eff. 7-12-10;
8 96-1384, eff. 7-29-10; 97-72, eff. 7-1-11; 97-333, eff.
9 8-12-11.)

10 Section 20. The Regional Transportation Authority Act is
11 amended by changing Sections 4.03.3 and 4.09 as follows:

12 (70 ILCS 3615/4.03.3)

13 Sec. 4.03.3. Distribution of Revenues. This Section
14 applies only after the Department begins administering and
15 enforcing an increased tax under Section 4.03(m) as authorized
16 by this amendatory Act of the 95th General Assembly. After
17 providing for payment of its obligations with respect to bonds
18 and notes issued under the provisions of Section 4.04 and
19 obligations related to those bonds and notes, the Authority
20 shall disburse the remaining proceeds from taxes it has
21 received from the Department of Revenue under this Article IV
22 and the remaining proceeds it has received from the State under
23 Section 4.09(a) as follows:

24 (a) With respect to taxes imposed by the Authority under

1 Section 4.03, after withholding 15% of 80% of the receipts from
2 those taxes collected in Cook County at a rate of 1.25%, 15% of
3 75% of the receipts from those taxes collected in Cook County
4 at the rate of 1%, 15% of one-half of the receipts from those
5 taxes collected in DuPage, Kane, Lake, McHenry, and Will
6 Counties, and 15% of money received by the Authority from the
7 Regional Transportation Authority Occupation and Use Tax
8 Replacement Fund or from the Regional Transportation Authority
9 tax fund created in Section 4.03(n), the Board shall allocate
10 the proceeds and money remaining to the Service Boards as
11 follows:

12 (1) an amount equal to (i) 85% of 80% of the receipts
13 from those taxes collected within the City of Chicago at a
14 rate of 1.25%, (ii) 85% of 75% of the receipts from those
15 taxes collected in the City of Chicago at the rate of 1%,
16 and (iii) 85% of the money received by the Authority on
17 account of transfers to the Regional Transportation
18 Authority Occupation and Use Tax Replacement Fund or to the
19 Regional Transportation Authority tax fund created in
20 Section 4.03(n) from the County and Mass Transit District
21 Fund attributable to retail sales within the City of
22 Chicago shall be allocated to the Chicago Transit
23 Authority;

24 (2) an amount equal to (i) 85% of 80% of the receipts
25 from those taxes collected within Cook County outside of
26 the City of Chicago at a rate of 1.25%, (ii) 85% of 75% of

1 the receipts from those taxes collected within Cook County
2 outside the City of Chicago at a rate of 1%, and (iii) 85%
3 of the money received by the Authority on account of
4 transfers to the Regional Transportation Authority
5 Occupation and Use Tax Replacement Fund or to the Regional
6 Transportation Authority tax fund created in Section
7 4.03(n) from the County and Mass Transit District Fund
8 attributable to retail sales within Cook County outside of
9 the City of Chicago shall be allocated 30% to the Chicago
10 Transit Authority, 55% to the Commuter Rail Board, and 15%
11 to the Suburban Bus Board; and

12 (3) an amount equal to 85% of one-half of the receipts
13 from the taxes collected within the Counties of DuPage,
14 Kane, Lake, McHenry, and Will shall be allocated 70% to the
15 Commuter Rail Board and 30% to the Suburban Bus Board.

16 (b) Moneys received by the Authority on account of
17 transfers to the Regional Transportation Authority Occupation
18 and Use Tax Replacement Fund from the State and Local Sales Tax
19 Reform Fund shall be allocated among the Authority and the
20 Service Boards as follows: 15% of such moneys shall be retained
21 by the Authority and the remaining 85% shall be transferred to
22 the Service Boards as soon as may be practicable after the
23 Authority receives payment. Moneys which are distributable to
24 the Service Boards pursuant to the preceding sentence shall be
25 allocated among the Service Boards on the basis of each Service
26 Board's distribution ratio. The term "distribution ratio"

1 means, for purposes of this subsection (b), the ratio of the
2 total amount distributed to a Service Board pursuant to
3 subsection (a) of Section 4.03.3 for the immediately preceding
4 calendar year to the total amount distributed to all of the
5 Service Boards pursuant to subsection (a) of Section 4.03.3 for
6 the immediately preceding calendar year.

7 (c) (i) 20% of the receipts from those taxes collected in
8 Cook County under Section 4.03 at the rate of 1.25%, (ii) 25%
9 of the receipts from those taxes collected in Cook County under
10 Section 4.03 at the rate of 1%, (iii) 50% of the receipts from
11 those taxes collected in DuPage, Kane, Lake, McHenry, and Will
12 Counties under Section 4.03, and (iv) amounts received from the
13 State under Section 4.09 (a) (2) and items (i), (ii), and (iii)
14 of Section 4.09 (a) (3) shall be allocated as follows: the
15 amount required to be deposited into the ADA Paratransit Fund
16 described in Section 2.01d, the amount required to be deposited
17 into the Suburban Community Mobility Fund described in Section
18 2.01e, and the amount required to be deposited into the
19 Innovation, Coordination and Enhancement Fund described in
20 Section 2.01c, and the balance shall be allocated 48% to the
21 Chicago Transit Authority, 39% to the Commuter Rail Board, and
22 13% to the Suburban Bus Board.

23 (d) Amounts received from the State under Section 4.09
24 (a) (3) (iv) shall be distributed 100% to the Chicago Transit
25 Authority.

26 (e) With respect to those taxes collected in DuPage, Kane,

1 Lake, McHenry, and Will Counties and paid directly to the
2 counties under Section 4.03, the County Board of each county
3 shall use those amounts to fund operating and capital costs of
4 public safety and public transportation services or facilities
5 or to fund operating, capital, right-of-way, construction, and
6 maintenance costs of other transportation purposes, including
7 road, bridge, public safety, and transit purposes intended to
8 improve mobility or reduce congestion in the county. The
9 receipt of funding by such counties pursuant to this paragraph
10 shall not be used as the basis for reducing any funds that such
11 counties would otherwise have received from the State of
12 Illinois, any agency or instrumentality thereof, the
13 Authority, or the Service Boards.

14 (f) The Authority by ordinance adopted by 12 of its then
15 Directors shall apportion to the Service Boards funds provided
16 by the State of Illinois under Section 4.09(a)(1) as it shall
17 determine and shall make payment of the amounts to each Service
18 Board as soon as may be practicable upon their receipt provided
19 the Authority has adopted a balanced budget as required by
20 Section 4.01 and further provided the Service Board is in
21 compliance with the requirements in Section 4.11.

22 (g) Beginning January 1, 2009, before making any payments,
23 transfers, or expenditures under this Section to a Service
24 Board, the Authority must first comply with Section 4.02a or
25 4.02b of this Act, whichever may be applicable.

26 (h) (Blank) ~~Moneys may be appropriated from the Public~~

1 ~~Transportation Fund to the Office of the Executive Inspector~~
2 ~~General for the costs incurred by the Executive Inspector~~
3 ~~General while serving as the inspector general for the~~
4 ~~Authority and each of the Service Boards. Beginning December~~
5 ~~31, 2012, and each year thereafter, the Office of the Executive~~
6 ~~Inspector General shall annually report to the General Assembly~~
7 ~~the expenses incurred while serving as the inspector general~~
8 ~~for the Authority and each of the Service Boards.~~

9 (Source: P.A. 97-399, eff. 8-16-11; 97-641, eff. 12-19-11.)

10 (70 ILCS 3615/4.09) (from Ch. 111 2/3, par. 704.09)

11 Sec. 4.09. Public Transportation Fund and the Regional
12 Transportation Authority Occupation and Use Tax Replacement
13 Fund.

14 (a)(1) As soon as possible after the first day of each
15 month, beginning July 1, 1984, upon certification of the
16 Department of Revenue, the Comptroller shall order transferred
17 and the Treasurer shall transfer from the General Revenue Fund
18 to a special fund in the State Treasury to be known as the
19 Public Transportation Fund an amount equal to 25% of the net
20 revenue, before the deduction of the serviceman and retailer
21 discounts pursuant to Section 9 of the Service Occupation Tax
22 Act and Section 3 of the Retailers' Occupation Tax Act,
23 realized from any tax imposed by the Authority pursuant to
24 Sections 4.03 and 4.03.1 and 25% of the amounts deposited into
25 the Regional Transportation Authority tax fund created by

1 Section 4.03 of this Act, from the County and Mass Transit
2 District Fund as provided in Section 6z-20 of the State Finance
3 Act and 25% of the amounts deposited into the Regional
4 Transportation Authority Occupation and Use Tax Replacement
5 Fund from the State and Local Sales Tax Reform Fund as provided
6 in Section 6z-17 of the State Finance Act. On the first day of
7 the month following the date that the Department receives
8 revenues from increased taxes under Section 4.03(m) as
9 authorized by this amendatory Act of the 95th General Assembly,
10 in lieu of the transfers authorized in the preceding sentence,
11 upon certification of the Department of Revenue, the
12 Comptroller shall order transferred and the Treasurer shall
13 transfer from the General Revenue Fund to the Public
14 Transportation Fund an amount equal to 25% of the net revenue,
15 before the deduction of the serviceman and retailer discounts
16 pursuant to Section 9 of the Service Occupation Tax Act and
17 Section 3 of the Retailers' Occupation Tax Act, realized from
18 (i) 80% of the proceeds of any tax imposed by the Authority at
19 a rate of 1.25% in Cook County, (ii) 75% of the proceeds of any
20 tax imposed by the Authority at the rate of 1% in Cook County,
21 and (iii) one-third of the proceeds of any tax imposed by the
22 Authority at the rate of 0.75% in the Counties of DuPage, Kane,
23 Lake, McHenry, and Will, all pursuant to Section 4.03, and 25%
24 of the net revenue realized from any tax imposed by the
25 Authority pursuant to Section 4.03.1, and 25% of the amounts
26 deposited into the Regional Transportation Authority tax fund

1 created by Section 4.03 of this Act from the County and Mass
2 Transit District Fund as provided in Section 6z-20 of the State
3 Finance Act, and 25% of the amounts deposited into the Regional
4 Transportation Authority Occupation and Use Tax Replacement
5 Fund from the State and Local Sales Tax Reform Fund as provided
6 in Section 6z-17 of the State Finance Act. As used in this
7 Section, net revenue realized for a month shall be the revenue
8 collected by the State pursuant to Sections 4.03 and 4.03.1
9 during the previous month from within the metropolitan region,
10 less the amount paid out during that same month as refunds to
11 taxpayers for overpayment of liability in the metropolitan
12 region under Sections 4.03 and 4.03.1.

13 (2) On the first day of the month following the effective
14 date of this amendatory Act of the 95th General Assembly and
15 each month thereafter, upon certification by the Department of
16 Revenue, the Comptroller shall order transferred and the
17 Treasurer shall transfer from the General Revenue Fund to the
18 Public Transportation Fund an amount equal to 5% of the net
19 revenue, before the deduction of the serviceman and retailer
20 discounts pursuant to Section 9 of the Service Occupation Tax
21 Act and Section 3 of the Retailers' Occupation Tax Act,
22 realized from any tax imposed by the Authority pursuant to
23 Sections 4.03 and 4.03.1 and certified by the Department of
24 Revenue under Section 4.03(n) of this Act to be paid to the
25 Authority and 5% of the amounts deposited into the Regional
26 Transportation Authority tax fund created by Section 4.03 of

1 this Act from the County and Mass Transit District Fund as
2 provided in Section 6z-20 of the State Finance Act, and 5% of
3 the amounts deposited into the Regional Transportation
4 Authority Occupation and Use Tax Replacement Fund from the
5 State and Local Sales Tax Reform Fund as provided in Section
6 6z-17 of the State Finance Act, and 5% of the revenue realized
7 by the Chicago Transit Authority as financial assistance from
8 the City of Chicago from the proceeds of any tax imposed by the
9 City of Chicago under Section 8-3-19 of the Illinois Municipal
10 Code.

11 (3) As soon as possible after the first day of January,
12 2009 and each month thereafter, upon certification of the
13 Department of Revenue with respect to the taxes collected under
14 Section 4.03, the Comptroller shall order transferred and the
15 Treasurer shall transfer from the General Revenue Fund to the
16 Public Transportation Fund an amount equal to 25% of the net
17 revenue, before the deduction of the serviceman and retailer
18 discounts pursuant to Section 9 of the Service Occupation Tax
19 Act and Section 3 of the Retailers' Occupation Tax Act,
20 realized from (i) 20% of the proceeds of any tax imposed by the
21 Authority at a rate of 1.25% in Cook County, (ii) 25% of the
22 proceeds of any tax imposed by the Authority at the rate of 1%
23 in Cook County, and (iii) one-third of the proceeds of any tax
24 imposed by the Authority at the rate of 0.75% in the Counties
25 of DuPage, Kane, Lake, McHenry, and Will, all pursuant to
26 Section 4.03, and the Comptroller shall order transferred and

1 the Treasurer shall transfer from the General Revenue Fund to
2 the Public Transportation Fund (iv) an amount equal to 25% of
3 the revenue realized by the Chicago Transit Authority as
4 financial assistance from the City of Chicago from the proceeds
5 of any tax imposed by the City of Chicago under Section 8-3-19
6 of the Illinois Municipal Code.

7 (b) (1) All moneys deposited in the Public Transportation
8 Fund and the Regional Transportation Authority Occupation and
9 Use Tax Replacement Fund, whether deposited pursuant to this
10 Section or otherwise, are allocated to the Authority.
11 Notwithstanding any other law to the contrary, the Public
12 Transportation Fund and the Regional Transportation Authority
13 Occupation and Use Tax Replacement Fund shall not be subject to
14 sweeps, administrative charges or chargebacks, or any other
15 fiscal or budgetary maneuver, including governmental
16 reorganization or similar measures, that would transfer any
17 amount from the Public Transportation Fund or the Regional
18 Transportation Authority Occupation and Use Tax Replacement
19 Fund into any other Fund of the State or to any recipient other
20 than the Authority. The Comptroller, as soon as possible after
21 each monthly transfer provided in this Section and after each
22 deposit into the Public Transportation Fund, shall order the
23 Treasurer to pay to the Authority out of the Public
24 Transportation Fund the amount so transferred or deposited. Any
25 Additional State Assistance and Additional Financial
26 Assistance paid to the Authority under this Section shall be

1 expended by the Authority for its purposes as provided in this
2 Act. The balance of the amounts paid to the Authority from the
3 Public Transportation Fund shall be expended by the Authority
4 as provided in Section 4.03.3. The Comptroller, as soon as
5 possible after each deposit into the Regional Transportation
6 Authority Occupation and Use Tax Replacement Fund provided in
7 this Section and Section 6z-17 of the State Finance Act, shall
8 order the Treasurer to pay to the Authority out of the Regional
9 Transportation Authority Occupation and Use Tax Replacement
10 Fund the amount so deposited. Such amounts paid to the
11 Authority may be expended by it for its purposes as provided in
12 this Act. The provisions directing the distributions from the
13 Public Transportation Fund and the Regional Transportation
14 Authority Occupation and Use Tax Replacement Fund provided for
15 in this Section shall constitute an irrevocable and continuing
16 appropriation of all amounts as provided herein. The State
17 Treasurer and State Comptroller are hereby authorized and
18 directed to make distributions as provided in this Section. (2)
19 Provided, however, no moneys deposited under subsection (a) of
20 this Section shall be paid from the Public Transportation Fund
21 to the Authority or its assignee for any fiscal year until the
22 Authority has certified to the Governor, the Comptroller, and
23 the Mayor of the City of Chicago that it has adopted for that
24 fiscal year an Annual Budget and Two-Year Financial Plan
25 meeting the requirements in Section 4.01(b).

26 (c) In recognition of the efforts of the Authority to

1 enhance the mass transportation facilities under its control,
2 the State shall provide financial assistance ("Additional
3 State Assistance") in excess of the amounts transferred to the
4 Authority from the General Revenue Fund under subsection (a) of
5 this Section. Additional State Assistance shall be calculated
6 as provided in subsection (d), but shall in no event exceed the
7 following specified amounts with respect to the following State
8 fiscal years:

9	1990	\$5,000,000;
10	1991	\$5,000,000;
11	1992	\$10,000,000;
12	1993	\$10,000,000;
13	1994	\$20,000,000;
14	1995	\$30,000,000;
15	1996	\$40,000,000;
16	1997	\$50,000,000;
17	1998	\$55,000,000; and
18	each year thereafter	\$55,000,000.

19 (c-5) The State shall provide financial assistance
20 ("Additional Financial Assistance") in addition to the
21 Additional State Assistance provided by subsection (c) and the
22 amounts transferred to the Authority from the General Revenue
23 Fund under subsection (a) of this Section. Additional Financial
24 Assistance provided by this subsection shall be calculated as
25 provided in subsection (d), but shall in no event exceed the
26 following specified amounts with respect to the following State

1 fiscal years:

2 2000 \$0;
3 2001 \$16,000,000;
4 2002 \$35,000,000;
5 2003 \$54,000,000;
6 2004 \$73,000,000;
7 2005 \$93,000,000; and
8 each year thereafter \$100,000,000.

9 (d) Beginning with State fiscal year 1990 and continuing
10 for each State fiscal year thereafter, the Authority shall
11 annually certify to the State Comptroller and State Treasurer,
12 separately with respect to each of subdivisions (g)(2) and
13 (g)(3) of Section 4.04 of this Act, the following amounts:

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

19 (2) An estimate of the amount necessary and required to
20 pay its obligations for debt service for any bonds or notes
21 which the Authority anticipates it will issue under
22 subdivisions (g)(2) and (g)(3) of Section 4.04 during that
23 State fiscal year.

24 (3) Its debt service savings during the preceding State
25 fiscal year from refunding or advance refunding of bonds or
26 notes issued under subdivisions (g)(2) and (g)(3) of

1 Section 4.04.

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

7 The certification shall include a specific schedule of debt
8 service payments, including the date and amount of each payment
9 for all outstanding bonds or notes and an estimated schedule of
10 anticipated debt service for all bonds and notes it intends to
11 issue, if any, during that State fiscal year, including the
12 estimated date and estimated amount of each payment.

13 Immediately upon the issuance of bonds for which an
14 estimated schedule of debt service payments was prepared, the
15 Authority shall file an amended certification with respect to
16 item (2) above, to specify the actual schedule of debt service
17 payments, including the date and amount of each payment, for
18 the remainder of the State fiscal year.

19 On the first day of each month of the State fiscal year in
20 which there are bonds outstanding with respect to which the
21 certification is made, the State Comptroller shall order
22 transferred and the State Treasurer shall transfer from the
23 General Revenue Fund to the Public Transportation Fund the
24 Additional State Assistance and Additional Financial
25 Assistance in an amount equal to the aggregate of (i)
26 one-twelfth of the sum of the amounts certified under items (1)

1 and (3) above less the amount certified under item (4) above,
2 plus (ii) the amount required to pay debt service on bonds and
3 notes issued during the fiscal year, if any, divided by the
4 number of months remaining in the fiscal year after the date of
5 issuance, or some smaller portion as may be necessary under
6 subsection (c) or (c-5) of this Section for the relevant State
7 fiscal year, plus (iii) any cumulative deficiencies in
8 transfers for prior months, until an amount equal to the sum of
9 the amounts certified under items (1) and (3) above, plus the
10 actual debt service certified under item (2) above, less the
11 amount certified under item (4) above, has been transferred;
12 except that these transfers are subject to the following
13 limits:

14 (A) In no event shall the total transfers in any State
15 fiscal year relating to outstanding bonds and notes issued
16 by the Authority under subdivision (g)(2) of Section 4.04
17 exceed the lesser of the annual maximum amount specified in
18 subsection (c) or the sum of the amounts certified under
19 items (1) and (3) above, plus the actual debt service
20 certified under item (2) above, less the amount certified
21 under item (4) above, with respect to those bonds and
22 notes.

23 (B) In no event shall the total transfers in any State
24 fiscal year relating to outstanding bonds and notes issued
25 by the Authority under subdivision (g)(3) of Section 4.04
26 exceed the lesser of the annual maximum amount specified in

1 subsection (c-5) or the sum of the amounts certified under
2 items (1) and (3) above, plus the actual debt service
3 certified under item (2) above, less the amount certified
4 under item (4) above, with respect to those bonds and
5 notes.

6 The term "outstanding" does not include bonds or notes for
7 which refunding or advance refunding bonds or notes have been
8 issued.

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

18 (f) The certification required under subsection (d) with
19 respect to outstanding bonds and notes of the Authority shall
20 be filed as early as practicable before the beginning of the
21 State fiscal year to which it relates. The certification shall
22 be revised as may be necessary to accurately state the debt
23 service requirements of the Authority.

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

26 (i) whether the aggregate of all system generated

1 revenues for public transportation in the metropolitan
2 region which is provided by, or under grant or purchase of
3 service contracts with, the Service Boards equals 50% of
4 the aggregate of all costs of providing such public
5 transportation. "System generated revenues" include all
6 the proceeds of fares and charges for services provided,
7 contributions received in connection with public
8 transportation from units of local government other than
9 the Authority, except for contributions received by the
10 Chicago Transit Authority from a real estate transfer tax
11 imposed under subsection (i) of Section 8-3-19 of the
12 Illinois Municipal Code, and from the State pursuant to
13 subsection (i) of Section 2705-305 of the Department of
14 Transportation Law (20 ILCS 2705/2705-305), and all other
15 revenues properly included consistent with generally
16 accepted accounting principles but may not include: the
17 proceeds from any borrowing, and, beginning with the 2007
18 fiscal year, all revenues and receipts, including but not
19 limited to fares and grants received from the federal,
20 State or any unit of local government or other entity,
21 derived from providing ADA paratransit service pursuant to
22 Section 2.30 of the Regional Transportation Authority Act.
23 "Costs" include all items properly included as operating
24 costs consistent with generally accepted accounting
25 principles, including administrative costs, but do not
26 include: depreciation; payment of principal and interest

1 on bonds, notes or other evidences of obligations for
2 borrowed money of the Authority; payments with respect to
3 public transportation facilities made pursuant to
4 subsection (b) of Section 2.20; any payments with respect
5 to rate protection contracts, credit enhancements or
6 liquidity agreements made under Section 4.14; any other
7 cost as to which it is reasonably expected that a cash
8 expenditure will not be made; costs for passenger security
9 including grants, contracts, personnel, equipment and
10 administrative expenses, except in the case of the Chicago
11 Transit Authority, in which case the term does not include
12 costs spent annually by that entity for protection against
13 crime as required by Section 27a of the Metropolitan
14 Transit Authority Act; the costs of Debt Service paid by
15 the Chicago Transit Authority, as defined in Section 12c of
16 the Metropolitan Transit Authority Act, or bonds or notes
17 issued pursuant to that Section; the payment by the
18 Commuter Rail Division of debt service on bonds issued
19 pursuant to Section 3B.09; expenses incurred by the
20 Suburban Bus Division for the cost of new public
21 transportation services funded from grants pursuant to
22 Section 2.01e of this amendatory Act of the 95th General
23 Assembly for a period of 2 years from the date of
24 initiation of each such service; costs as exempted by the
25 Board for projects pursuant to Section 2.09 of this Act;
26 or, beginning with the 2007 fiscal year, expenses related

1 to providing ADA paratransit service pursuant to Section
2 2.30 of the Regional Transportation Authority Act; or in
3 fiscal years 2008 through 2012 inclusive, costs in the
4 amount of \$200,000,000 in fiscal year 2008, reducing by
5 \$40,000,000 in each fiscal year thereafter until this
6 exemption is eliminated. If said system generated revenues
7 are less than 50% of said costs, the Board shall remit an
8 amount equal to the amount of the deficit to the State. The
9 Treasurer shall deposit any such payment in the General
10 Revenue Fund; and

11 (ii) whether, beginning with the 2007 fiscal year, the
12 aggregate of all fares charged and received for ADA
13 paratransit services equals the system generated ADA
14 paratransit services revenue recovery ratio percentage of
15 the aggregate of all costs of providing such ADA
16 paratransit services.

17 (h) If the Authority makes any payment to the State under
18 paragraph (g), the Authority shall reduce the amount provided
19 to a Service Board from funds transferred under paragraph (a)
20 in proportion to the amount by which that Service Board failed
21 to meet its required system generated revenues recovery ratio.
22 A Service Board which is affected by a reduction in funds under
23 this paragraph shall submit to the Authority concurrently with
24 its next due quarterly report a revised budget incorporating
25 the reduction in funds. The revised budget must meet the
26 criteria specified in clauses (i) through (vi) of Section

1 4.11(b)(2). The Board shall review and act on the revised
2 budget as provided in Section 4.11(b)(3).

3 (i) The Office of Executive Inspector General may submit
4 invoices to the Authority for costs incurred while serving as
5 the inspector general for the Authority and each of the Service
6 Boards, and the Authority may pay those claims from amounts
7 received under paragraph (3) of subsection (a) of this Section
8 4.09. Beginning December 31, 2012, and each year thereafter,
9 the Office of Inspector General shall annually report to the
10 General Assembly the expenses incurred while serving as the
11 inspector general for the Authority and each of the Service
12 Boards.

13 (Source: P.A. 94-370, eff. 7-29-05; 95-708, eff. 1-18-08;
14 95-906, eff. 8-26-08.)

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