



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### HB4140

Introduced 1/30/2012, by Rep. Frank J. Mautino

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.811 new	
620 ILCS 5/40	from Ch. 15 1/2, par. 22.40
620 ILCS 5/42	from Ch. 15 1/2, par. 22.42
620 ILCS 5/78	from Ch. 15 1/2, par. 22.78

Amends the State Finance Act to create the Federal/State/Local Airport Fund. Amends the Illinois Aeronautics Act. Provides that all federal monies accepted for disbursement by the Department of Transportation under certain portions of the Act shall be deposited into the Federal/State/Local Airport Fund (instead of deposited with the State Treasurer as ex-officio custodian). Requires the annual (instead of biennial) registration of certain aircraft and their operators. Replaces the Aeronautics Fund with the Federal/State/Local Airport Fund. Provides that all moneys received by this State or by the Department for and on its behalf, under any of the laws of this State pertaining to aeronautics, including all moneys obtained for certificates, permits or licenses, shall be deposited in the Federal/State/Local Airport Fund. Provides that notwithstanding any other provision of law, in addition to any other transfers that may be provided by law, on July 1, 2012, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balances from the Aeronautics Fund and the Federal/Local Airport Fund into the Federal/State/Local Airport Fund. Provides that upon completion of the transfers, the Aeronautics Fund and the Federal/Local Airport Funds are dissolved and any future deposits due to either fund and any outstanding obligations or liabilities of those Funds pass to the Federal/State/Local Airport Fund. Provides that on July 1, 2012, or as soon thereafter as practical, the State Comptroller shall order and the State Treasurer shall transfer \$6,300,000 from the Road Fund to the Federal/State/Local Airport Fund. Effective immediately.

LRB097 14995 HEP 60037 b

1 AN ACT concerning transportation.

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 adding  
5 Section 5.811 as follows:

6 (30 ILCS 105/5.811 new)

7 Sec. 5.811. The Federal/State/Local Airport Fund.

8 Section 10. The Illinois Aeronautics Act is amended by  
9 changing Sections 40, 42, and 78 as follows:

10 (620 ILCS 5/40) (from Ch. 15 1/2, par. 22.40)

11 Sec. 40. Disposition of federal funds. All monies accepted  
12 for disbursement by the Department pursuant to Section 38 shall  
13 be deposited into the Federal/State/Local Airport Fund ~~with the~~  
14 ~~State Treasurer as ex officio custodian~~ and shall be disbursed  
15 upon a voucher or order of Secretary of Transportation and paid  
16 by a warrant drawn by the State Comptroller and countersigned  
17 by the State Treasurer. All such monies are to be expended in  
18 accordance with Federal laws and rules and regulations  
19 thereunder and with this Act. The Department is authorized,  
20 whether acting for this State or as the agent of any of its  
21 municipalities or other political subdivision, or when

1 requested by the United States Government or any agency or  
2 department thereof, subject to section 41, disburse such monies  
3 for the designated purposes, but this shall not preclude any  
4 other authorized method of disbursement.

5 (Source: P.A. 81-840.)

6 (620 ILCS 5/42) (from Ch. 15 1/2, par. 22.42)

7 Sec. 42. Regulation of aircraft, airmen, and airports.

8 (a) The general public interest and safety, the safety of  
9 persons operating, using, or traveling in, aircraft, and of  
10 persons and property on the ground, and the interest of  
11 aeronautical progress require that aircraft operated within  
12 this State should be airworthy, that airmen should be properly  
13 qualified, and that air navigation facilities should be  
14 suitable for the purposes for which they are designed. The  
15 purposes of this Act require that the Department should be  
16 enabled to exercise the powers of regulation and supervision  
17 herein granted. The advantage of uniform regulation makes it  
18 desirable that aircraft operated within this State should  
19 conform with respect to design, construction, and  
20 airworthiness to the standards prescribed by the United States  
21 Government with respect to civil aircraft subject to its  
22 jurisdiction and that persons engaging in aeronautics within  
23 this State should have the qualifications necessary for  
24 obtaining and holding appropriate airman certificates of the  
25 United States. It is desirable and right that all applicable

1 fees and taxes shall be paid with respect to aircraft operated  
2 within this State.

3 (b) In light of the findings in subsection (a), the  
4 Department is authorized:

5 (1) To require the annual registration ~~, every 2 years,~~  
6 of federal licenses, certificates or permits of civil  
7 aircraft engaged in air navigation within this State, and  
8 of airmen engaged in aeronautics within this State, and to  
9 issue certificates of such registration. These  
10 certificates of registration constitute the authorization  
11 of such aircraft and airmen for operations within this  
12 State to the extent permitted by the federal licenses,  
13 certificates or permits so registered. It shall charge a  
14 fee, payable annually, ~~every 2 years,~~ for the registration  
15 of each federal license, certificate or permit of \$10 for  
16 each airman's certificate and \$20 for each aircraft  
17 certificate. It may accept as evidence of the holding of a  
18 federal license, certificate or permit the verified  
19 application of the airman or the owner of the aircraft,  
20 which application shall contain such information as the  
21 Department may by rule, ruling, regulation, order or  
22 decision prescribe. The Department's authority to register  
23 aircraft or to issue certificates of registration is  
24 limited as follows:

25 (i) Except as to any aircraft vehicle purchased  
26 before March 8, 1963, the Department, in the case of

1           the first registration of any aircraft vehicle for any  
2           given owner on or after March 8, 1963, may not issue a  
3           certificate of registration with respect to any  
4           aircraft vehicle until after the Department has been  
5           satisfied that no tax under the Use Tax Act, the  
6           Aircraft Use Tax Law, the Municipal Use Tax Act, or the  
7           Home Rule County Use Tax Law is owing by reason of the  
8           use of the vehicle in Illinois or that any tax so  
9           imposed has been paid. A receipt issued under those  
10          Acts by the Department of Revenue constitutes proof of  
11          payment of the tax. For the purpose of this paragraph,  
12          "aircraft vehicle" means a single aircraft.

13                 (ii) If the proof of payment of the tax or of  
14                 nonliability therefor is, after the issuance of the  
15                 certificate of registration, found to be invalid, the  
16                 Department shall revoke the certificate and require  
17                 that the certificate be returned to the Department.

18                 (2) To classify and approve airports and restricted  
19                 landing areas and any alterations or extensions thereof.  
20                 Certificates of approval issued pursuant to this  
21                 paragraph, or pursuant to any prior law, shall be issued in  
22                 the name of the applicant and shall be transferable upon a  
23                 change of ownership or control of the airport or restricted  
24                 landing area only after approval of the Department. No  
25                 charge or fee shall be made or imposed for any kind of  
26                 certificate of approval or a transfer thereof.

1           (3) To revoke, temporarily or permanently, any  
2 certificate of registration of an aircraft or airman issued  
3 by it, or to refuse to issue any such certificate of  
4 registration, when it shall reasonably determine that any  
5 aircraft is not airworthy, or that any airman:

6           (i) is not qualified;

7           (ii) has willfully violated the laws of this State  
8 pertaining to aeronautics or any rules, rulings,  
9 regulations, orders, or decisions issued pursuant  
10 thereto, or any Federal law or any rule or regulation  
11 issued pursuant thereto;

12           (iii) is addicted to the use of narcotics or other  
13 habit forming drug, or to the excessive use of  
14 intoxicating liquor;

15           (iv) has made any false statement in any  
16 application for registration of a federal license,  
17 certificate or permit; or

18           (v) has been guilty of other conduct, acts, or  
19 practices dangerous to the public safety or the safety  
20 of those engaged in aeronautics.

21           (c) The Department may refuse to issue or may suspend the  
22 certificate of any person who fails to file a return, or to pay  
23 the tax, penalty or interest shown in a filed return, or to pay  
24 any final assessment of tax, penalty or interest, as required  
25 by any tax Act administered by the Illinois Department of  
26 Revenue, until such time as the requirements of any such tax

1 Act are satisfied.

2 (Source: P.A. 92-341, eff. 8-10-01; 93-24, eff. 6-20-03.)

3 (620 ILCS 5/78) (from Ch. 15 1/2, par. 22.78)

4 Sec. 78. Federal/State/Local Airport Fund. ~~Aeronautics~~  
5 ~~fund.~~

6 (a) All moneys hereafter received by this State, or by the  
7 Department for and on its behalf, under any of the laws of this  
8 State pertaining to aeronautics, including, without limiting  
9 the generality of the foregoing, all moneys obtained for  
10 certificates, permits or licenses, including ~~except~~ those  
11 funds which are accepted by the Department ~~held by the State~~  
12 ~~Treasurer as ex-officio custodian~~ under the provisions of  
13 Section 40, shall be deposited in the State treasury and set  
14 apart as a special fund to be known as the Federal/State/Local  
15 Airport ~~Aeronautics~~ Fund. The Federal/State/Local Airport  
16 ~~Aeronautics~~ Fund shall be used, subject to appropriations made  
17 from time to time, only for such purposes as may be specified  
18 under the laws, if any, of the United States, heretofore or  
19 hereafter enacted or amended, providing for federal aid in the  
20 establishment of public airports, and otherwise only for the  
21 regulation and supervision of aeronautics in this State, and  
22 the administration and enforcement of the laws of this State  
23 pertaining to aeronautics.

24 (b) Notwithstanding any other provision of law, in addition  
25 to any other transfers that may be provided by law, on July 1,

1 2012, or as soon thereafter as practical, the State Comptroller  
2 shall direct and the State Treasurer shall transfer the  
3 remaining balances from the Aeronautics Fund and the  
4 Federal/Local Airport Fund into the Federal/State/Local  
5 Airport Fund. Upon completion of the transfers, the Aeronautics  
6 Fund and the Federal/Local Airport Funds are dissolved and any  
7 future deposits due to either fund and any outstanding  
8 obligations or liabilities of those Funds pass to the  
9 Federal/State/Local Airport Fund.

10 (c) On July 1, 2012, or as soon thereafter as practical,  
11 the State Comptroller shall order and the State Treasurer shall  
12 transfer \$6,300,000 from the Road Fund to the  
13 Federal/State/Local Airport Fund.

14 (Source: Laws 1957, p. 2331.)

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