



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### SB0029

Introduced 1/10/2013, by Sen. Pamela J. Althoff

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/5	from Ch. 127, par. 141
30 ILCS 105/5d	from Ch. 127, par. 141d
30 ILCS 105/8.3	from Ch. 127, par. 144.3
30 ILCS 740/2-3	from Ch. 111 2/3, par. 663
30 ILCS 740/2-15	from Ch. 111 2/3, par. 675.1
35 ILCS 505/8	from Ch. 120, par. 424
70 ILCS 3615/4.03.3	
70 ILCS 3615/4.09	from Ch. 111 2/3, par. 704.09

Amends the State Finance Act. Provides that the Motor Fuel Tax Fund, the State Construction Account Fund, the Public Transportation Fund, the Downstate Public Transportation Fund, the Regional Transportation Authority Occupation and Use Tax Replacement Fund, and the Road Fund shall not be subject to sweeps, administrative charges or chargebacks, or any other fiscal or budgetary maneuver that would transfer any amount from those Funds into any other Fund of the State unless specifically authorized by law prior to the effective date of the amendatory Act. Provides that no Road Fund moneys shall be appropriated to the Department of Central Management Services, except for expenditures for group insurance premiums of personnel whose total compensation is paid from the Road Fund (now, of appropriate personnel). Amends the Regional Transportation Authority Act. Deletes language providing that moneys may be appropriated for the Public Transportation Fund to the Office of the Executive Inspector General for costs incurred as the inspector general for the Authority and the Service Boards. Provides that the Office of the Executive Inspector General may submit invoices to the Regional Transportation Authority for costs incurred while serving as the inspector general for the Authority and the Service Boards. Effective immediately.

LRB098 00207 MRW 30211 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 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  
17 discontinued fund at the time of the transfer of any such  
18 balance therein shall be paid out of the fund to which the  
19 transfer was made.

20 (c) When any special fund in the State Treasury has been  
21 inactive for 18 months or longer, the fund is automatically  
22 terminated by operation of law and the balance remaining in  
23 such fund shall be transferred by the Comptroller to the

1 General Revenue Fund. When a special fund has been terminated  
2 by operation of law as provided in this Section, the General  
3 Assembly shall repeal or amend all Sections of the statutes  
4 creating or otherwise referring to that fund.

5 The Comptroller shall be allowed the discretion to maintain  
6 or dissolve any federal trust fund which has been inactive for  
7 18 months or longer.

8 (d) (Blank).

9 (e) (Blank).

10 (f) Beginning on the effective date of this amendatory Act  
11 of the 98th General Assembly, and notwithstanding any other law  
12 to the contrary, neither the Motor Fuel Tax Fund, the State  
13 Construction Account Fund, the Public Transportation Fund, the  
14 Downstate Public Transportation Fund, the Regional  
15 Transportation Authority Occupation and Use Tax Replacement  
16 Fund, nor the Road Fund shall be subject to sweeps,  
17 administrative charges or chargebacks, or any other fiscal or  
18 budgetary maneuver that would transfer any amount from those  
19 Funds 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 98th General Assembly. It shall not be  
22 lawful to circumvent this limitation by governmental  
23 reorganization or other methods.

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

25 (30 ILCS 105/5d) (from Ch. 127, par. 141d)

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

21           Beginning on the effective date of this amendatory Act of  
22 the 98th General Assembly, and notwithstanding any other law to  
23 the contrary, the State Construction Account Fund shall not be  
24 subject to sweeps, administrative charges or chargebacks, or  
25 any other fiscal or budgetary maneuver that would transfer any  
26 amount from this Fund into any other Fund of the State unless

1 specifically authorized by law prior to the effective date of  
2 this amendatory Act of the 98th General Assembly. It shall not  
3 be lawful to circumvent this limitation by governmental  
4 reorganization or other methods.

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

6 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

7 Sec. 8.3. Money in the Road Fund shall, if and when the  
8 State of Illinois incurs any bonded indebtedness for the  
9 construction of permanent highways, be set aside and used for  
10 the purpose of paying and discharging annually the principal  
11 and interest on that bonded indebtedness then due and payable,  
12 and for no other purpose. The surplus, if any, in the Road Fund  
13 after the payment of principal and interest on that bonded  
14 indebtedness then annually due shall be used as follows:

15 first -- to pay the cost of administration of Chapters  
16 2 through 10 of the Illinois Vehicle Code, except the cost  
17 of administration of Articles I and II of Chapter 3 of that  
18 Code; and

19 secondly -- for expenses of the Department of  
20 Transportation for construction, reconstruction,  
21 improvement, repair, maintenance, operation, and  
22 administration of highways in accordance with the  
23 provisions of laws relating thereto, or for any purpose  
24 related or incident to and connected therewith, including  
25 the separation of grades of those highways with railroads

1 and with highways and including the payment of awards made  
2 by the Illinois Workers' Compensation Commission under the  
3 terms of the Workers' Compensation Act or Workers'  
4 Occupational Diseases Act for injury or death of an  
5 employee of the Division of Highways in the Department of  
6 Transportation; or for the acquisition of land and the  
7 erection of buildings for highway purposes, including the  
8 acquisition of highway right-of-way or for investigations  
9 to determine the reasonably anticipated future highway  
10 needs; or for making of surveys, plans, specifications and  
11 estimates for and in the construction and maintenance of  
12 flight strips and of highways necessary to provide access  
13 to military and naval reservations, to defense industries  
14 and defense-industry sites, and to the sources of raw  
15 materials and for replacing existing highways and highway  
16 connections shut off from general public use at military  
17 and naval reservations and defense-industry sites, or for  
18 the purchase of right-of-way, except that the State shall  
19 be reimbursed in full for any expense incurred in building  
20 the flight strips; or for the operating and maintaining of  
21 highway garages; or for patrolling and policing the public  
22 highways and conserving the peace; or for the operating  
23 expenses of the Department relating to the administration  
24 of public transportation programs; or, during fiscal year  
25 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; or, during fiscal year 2013 only, for the  
3       purposes of a grant not to exceed \$3,825,000 to the  
4       Regional Transportation Authority on behalf of PACE for the  
5       purpose of ADA/Para-transit expenses; or for any of those  
6       purposes or any other purpose that may be provided by law.

7       Appropriations for any of those purposes are payable from  
8       the Road Fund. Appropriations may also be made from the Road  
9       Fund for the administrative expenses of any State agency that  
10      are related to motor vehicles or arise from the use of motor  
11      vehicles.

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

18           1. Department of Public Health;

19           2. Department of Transportation, only with respect to  
20           subsidies for one-half fare Student Transportation and  
21           Reduced Fare for Elderly, except during fiscal year 2012  
22           only when no more than \$40,000,000 may be expended and  
23           except during fiscal year 2013 only when no more than  
24           \$17,570,300 may be expended;

25           3. Department of Central Management Services, except  
26           for expenditures incurred for group insurance premiums of

1 ~~appropriate~~ personnel whose total compensation is paid  
2 from the Road Fund;

3 4. Judicial Systems and Agencies.

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

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

12 2. Department of Transportation, only with respect to  
13 Intercity Rail Subsidies, except during fiscal year 2012  
14 only when no more than \$40,000,000 may be expended and  
15 except during fiscal year 2013 only when no more than  
16 \$26,000,000 may be expended, and Rail Freight Services.

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



1 Highways in the Department of Transportation.

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

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

10 2. State Officers.

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

21 Money in the Road Fund shall, if and when the State of  
22 Illinois incurs any bonded indebtedness for the construction of  
23 permanent highways, be set aside and used for the purpose of  
24 paying and discharging during each fiscal year the principal  
25 and interest on that bonded indebtedness as it becomes due and  
26 payable as provided in the Transportation Bond Act, and for no

1 other purpose. The surplus, if any, in the Road Fund after the  
2 payment of principal and interest on that bonded indebtedness  
3 then annually due shall be used as follows:

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

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

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

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

11 Except as provided in this paragraph, beginning with fiscal  
12 year 1991 and thereafter, no Road Fund monies shall be  
13 appropriated to the Department of State Police for the purposes  
14 of this Section in excess of its total fiscal year 1990 Road  
15 Fund appropriations for those purposes unless otherwise  
16 provided in Section 5g of this Act. For fiscal years 2003,  
17 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be  
18 appropriated to the Department of State Police for the purposes  
19 of this Section in excess of \$97,310,000. For fiscal year 2008  
20 only, no Road Fund monies shall be appropriated to the  
21 Department of State Police for the purposes of this Section in  
22 excess of \$106,100,000. For fiscal year 2009 only, no Road Fund  
23 monies shall be appropriated to the Department of State Police  
24 for the purposes of this Section in excess of \$114,700,000.  
25 Beginning in fiscal year 2010, no road fund moneys shall be  
26 appropriated to the Department of State Police. It shall not be

1 lawful to circumvent this limitation on appropriations by  
2 governmental reorganization or other methods unless otherwise  
3 provided in Section 5g of this Act.

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

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

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

22	Fiscal Year 2000	\$80,500,000;
23	Fiscal Year 2001	\$80,500,000;
24	Fiscal Year 2002	\$80,500,000;
25	Fiscal Year 2003	\$130,500,000;
26	Fiscal Year 2004	\$130,500,000;

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

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

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

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

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

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

24 The additional amounts authorized for expenditure in this  
25 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91  
26 shall be repaid to the Road Fund from the General Revenue Fund

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

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

13 Beginning on the effective date of this amendatory Act of  
14 the 98th General Assembly, and notwithstanding any other law to  
15 the contrary, the Road Fund shall not be subject to sweeps,  
16 administrative charges or chargebacks, or any other fiscal or  
17 budgetary maneuver that would transfer any amount from this  
18 Fund into any other Fund of the State unless specifically  
19 authorized by law prior to the effective date of this  
20 amendatory Act of the 98th General Assembly. It shall not be  
21 lawful to circumvent this limitation by governmental  
22 reorganization or other methods.

23 (Source: P.A. 96-34, eff. 7-13-09; 96-959, eff. 7-1-10; 97-72,  
24 eff. 7-1-11; 97-732, eff. 6-30-12.)

25 Section 10. The Downstate Public Transportation Act is

1 amended by changing Sections 2-3 and 2-15 as follows:

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

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

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

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



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

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

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

1 beginning July 1, 2008, the provisions of subsection (b) shall  
2 no longer apply with respect to such tax receipts from Madison  
3 County.

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

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

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

24 (f) Beginning on the effective date of this amendatory Act  
25 of the 98th General Assembly, and notwithstanding any other law  
26 to the contrary, the Downstate Public Transportation Fund shall

1 not be subject to sweeps, administrative charges or  
2 chargebacks, or any other fiscal or budgetary maneuver that  
3 would transfer any amount from this Fund into any other Fund of  
4 the State unless specifically authorized by law prior to the  
5 effective date of this amendatory Act of the 98th General  
6 Assembly. It shall not be lawful to circumvent this limitation  
7 by governmental reorganization or other methods.

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

9 (30 ILCS 740/2-15) (from Ch. 111 2/3, par. 675.1)

10 Sec. 2-15. Residual fund balance.

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

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

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

19       (c) Beginning on the effective date of this amendatory Act  
20       of the 98th General Assembly, and notwithstanding any other law  
21       to the contrary, the Downstate Public Transportation Fund shall  
22       not be subject to sweeps, administrative charges or  
23       chargebacks, or any other fiscal or budgetary maneuver that  
24       would transfer any amount from this Fund into any other Fund of  
25       the State unless specifically authorized by law prior to the  
26       effective date of this amendatory Act of the 98th General

1 Assembly. It shall not be lawful to circumvent this limitation  
2 by governmental reorganization or other methods.

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

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

6 (35 ILCS 505/8) (from Ch. 120, par. 424)

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

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

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

23 (c) \$3,500,000 shall be transferred each month to the Grade  
24 Crossing Protection Fund to be used as follows: not less than

1 \$12,000,000 each fiscal year shall be used for the construction  
2 or reconstruction of rail highway grade separation structures;  
3 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in  
4 fiscal year 2010 and each fiscal year thereafter shall be  
5 transferred to the Transportation Regulatory Fund and shall be  
6 accounted for as part of the rail carrier portion of such funds  
7 and shall be used to pay the cost of administration of the  
8 Illinois Commerce Commission's railroad safety program in  
9 connection with its duties under subsection (3) of Section  
10 18c-7401 of the Illinois Vehicle Code, with the remainder to be  
11 used by the Department of Transportation upon order of the  
12 Illinois Commerce Commission, to pay that part of the cost  
13 apportioned by such Commission to the State to cover the  
14 interest of the public in the use of highways, roads, streets,  
15 or pedestrian walkways in the county highway system, township  
16 and district road system, or municipal street system as defined  
17 in the Illinois Highway Code, as the same may from time to time  
18 be amended, for separation of grades, for installation,  
19 construction or reconstruction of crossing protection or  
20 reconstruction, alteration, relocation including construction  
21 or improvement of any existing highway necessary for access to  
22 property or improvement of any grade crossing and grade  
23 crossing surface including the necessary highway approaches  
24 thereto of any railroad across the highway or public road, or  
25 for the installation, construction, reconstruction, or  
26 maintenance of a pedestrian walkway over or under a railroad

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

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

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

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

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

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

17 (4) from October 1, 1985 until June 30, 1994, the  
18 administration of the Vehicle Emissions Inspection Law,  
19 which amount shall be certified monthly by the  
20 Environmental Protection Agency to the State Comptroller  
21 and shall promptly be transferred by the State Comptroller  
22 and Treasurer from the Motor Fuel Tax Fund to the Vehicle  
23 Inspection Fund, and for the period July 1, 1994 through  
24 June 30, 2000, one-twelfth of \$25,000,000 each month, for  
25 the period July 1, 2000 through June 30, 2003, one-twelfth  
26 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,



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

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

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

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

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

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

23 (B) 63% into the Road Fund, \$1,250,000 of which  
24 shall be reserved each month for the Department of  
25 Transportation to be used in accordance with the  
26 provisions of Sections 6-901 through 6-906 of the

1 Illinois Highway Code;

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

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

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

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

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

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

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

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

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

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

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

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

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

26 Prior to 2011, if a township has transferred to the road

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

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

1 by the Department of Revenue or, in DuPage County, an amount  
2 equal to or greater than \$12,000 per mile of road under the  
3 jurisdiction of the road district, whichever is less.

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

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

21 Beginning on the effective date of this amendatory Act of  
22 the 98th General Assembly, and notwithstanding any other law to  
23 the contrary, the Motor Fuel Tax Fund shall not be subject to  
24 sweeps, administrative charges or chargebacks, or any other  
25 fiscal or budgetary maneuver that would transfer any amount  
26 from this Fund into any other Fund of the State unless



1 specifically authorized by law prior to the effective date of  
2 this amendatory Act of the 98th General Assembly. It shall not  
3 be lawful to circumvent this limitation by governmental  
4 reorganization or other methods.

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

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

11 (70 ILCS 3615/4.03.3)

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

23 (a) With respect to taxes imposed by the Authority under  
24 Section 4.03, after withholding 15% of 80% of the receipts from

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

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

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

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

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

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

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

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

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

25 (e) With respect to those taxes collected in DuPage, Kane,  
26 Lake, McHenry, and Will Counties and paid directly to the

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

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

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

25 (h) ~~(Blank) Moneys may be appropriated from the Public~~  
26 ~~Transportation Fund to the Office of the Executive Inspector~~

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

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

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

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

13 (a) (1) As soon as possible after the first day of each  
14 month, beginning July 1, 1984, upon certification of the  
15 Department of Revenue, the Comptroller shall order transferred  
16 and the Treasurer shall transfer from the General Revenue Fund  
17 to a special fund in the State Treasury to be known as the  
18 Public Transportation Fund an amount equal to 25% 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 25% of the amounts deposited into  
24 the Regional Transportation Authority tax fund created by  
25 Section 4.03 of this Act, from the County and Mass Transit

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

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

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



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

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

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

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

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

25 (c) In recognition of the efforts of the Authority to  
26 enhance the mass transportation facilities under its control,

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

8	1990	\$5,000,000;
9	1991	\$5,000,000;
10	1992	\$10,000,000;
11	1993	\$10,000,000;
12	1994	\$20,000,000;
13	1995	\$30,000,000;
14	1996	\$40,000,000;
15	1997	\$50,000,000;
16	1998	\$55,000,000; and
17	each year thereafter	\$55,000,000.

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

1           2000                   \$0;  
2           2001                   \$16,000,000;  
3           2002                   \$35,000,000;  
4           2003                   \$54,000,000;  
5           2004                   \$73,000,000;  
6           2005                   \$93,000,000; and  
7           each year thereafter   \$100,000,000.

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

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

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

23                   (3) Its debt service savings during the preceding State  
24                   fiscal year from refunding or advance refunding of bonds or  
25                   notes issued under subdivisions (g)(2) and (g)(3) of  
26                   Section 4.04.

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

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

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

18           On the first day of each month of the State fiscal year in  
19 which there are bonds outstanding with respect to which the  
20 certification is made, the State Comptroller shall order  
21 transferred and the State Treasurer shall transfer from the  
22 General Revenue Fund to the Public Transportation Fund the  
23 Additional State Assistance and Additional Financial  
24 Assistance in an amount equal to the aggregate of (i)  
25 one-twelfth of the sum of the amounts certified under items (1)  
26 and (3) above less the amount certified under item (4) above,

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

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

22 (B) In no event shall the total transfers in any State  
23 fiscal year relating to outstanding bonds and notes issued  
24 by the Authority under subdivision (g) (3) of Section 4.04  
25 exceed the lesser of the annual maximum amount specified in  
26 subsection (c-5) or the sum of the amounts certified under

1 items (1) and (3) above, plus the actual debt service  
2 certified under item (2) above, less the amount certified  
3 under item (4) above, with respect to those bonds and  
4 notes.

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

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

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

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

25 (i) whether the aggregate of all system generated  
26 revenues for public transportation in the metropolitan



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

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

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

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

16           (h) If the Authority makes any payment to the State under  
17           paragraph (g), the Authority shall reduce the amount provided  
18           to a Service Board from funds transferred under paragraph (a)  
19           in proportion to the amount by which that Service Board failed  
20           to meet its required system generated revenues recovery ratio.  
21           A Service Board which is affected by a reduction in funds under  
22           this paragraph shall submit to the Authority concurrently with  
23           its next due quarterly report a revised budget incorporating  
24           the reduction in funds. The revised budget must meet the  
25           criteria specified in clauses (i) through (vi) of Section  
26           4.11(b)(2). The Board shall review and act on the revised

1 budget as provided in Section 4.11(b) (3).

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

11 (Source: P.A. 94-370, eff. 7-29-05; 95-708, eff. 1-18-08;  
12 95-906, eff. 8-26-08.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.