



Rep. Daniel J. Burke

Filed: 3/16/2011

09700HB3313ham001

LRB097 02917 HLH 51901 a

1 AMENDMENT TO HOUSE BILL 3313

2 AMENDMENT NO. _____. Amend House Bill 3313 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Section 5.786 as follows:

6 (30 ILCS 105/5.786 new)

7 Sec. 5.786. The Central Illinois Economic Development
8 Authority Debt Fund.

9 Section 10. The State Revenue Sharing Act is amended by
10 changing Sections 1 and 12 as follows:

11 (30 ILCS 115/1) (from Ch. 85, par. 611)

12 Sec. 1. Local Government Distributive Fund. Through June
13 30, 1994, as soon as may be after the first day of each month
14 the Department of Revenue shall certify to the Treasurer an

1 amount equal to 1/12 of the net revenue realized from the tax
2 imposed by subsections (a) and (b) of Section 201 of the
3 Illinois Income Tax Act during the preceding month. Beginning
4 July 1, 1994, and continuing through June 30, 1995, as soon as
5 may be after the first day of each month, the Department of
6 Revenue shall certify to the Treasurer an amount equal to 1/11
7 of the net revenue realized from the tax imposed by subsections
8 (a) and (b) of Section 201 of the Illinois Income Tax Act
9 during the preceding month. Beginning July 1, 1995, as soon as
10 may be after the first day of each month, the Department of
11 Revenue shall certify to the Treasurer the amount required to
12 be transferred from the General Revenue Fund to the Local
13 Government Distributive Fund under subsection (b) of Section
14 901 of the Illinois Income Tax Act. ~~an amount equal to 1/10 of~~
15 ~~the net revenue realized from the tax imposed by subsections~~
16 ~~(a) and (b) of Section 201 of the Illinois Income Tax Act~~
17 ~~during the preceding month. Net revenue realized for a month~~
18 ~~shall be defined as the revenue from the tax imposed by~~
19 ~~subsections (a) and (b) of Section 201 of the Illinois Income~~
20 ~~Tax Act which is deposited in the General Revenue Fund, the~~
21 ~~Education Assistance Fund and the Income Tax Surcharge Local~~
22 ~~Government Distributive Fund during the month minus the amount~~
23 ~~paid out of the General Revenue Fund in State warrants during~~
24 ~~that same month as refunds to taxpayers for overpayment of~~
25 ~~liability under the tax imposed by subsections (a) and (b) of~~
26 ~~Section 201 of the Illinois Income Tax Act.~~ Upon receipt of

1 such certification, the Treasurer shall transfer from the
2 General Revenue Fund to a special fund in the State treasury,
3 to be known as the "Local Government Distributive Fund", the
4 amount shown on such certification.

5 The corporate authorities of any unit of local government
6 located in Macon, Sangamon, Menard, Logan, Christian, DeWitt,
7 Macoupin, Montgomery, Calhoun, Green, or Jersey County may
8 elect, by a majority vote of the corporate authorities, to make
9 deposits into the Central Illinois Economic Development
10 Authority Debt Fund from its respective share of the funds
11 distributed from the Local Government Distributive Fund.

12 All amounts paid into the Local Government Distributive
13 Fund in accordance with this Section and allocated pursuant to
14 this Act are appropriated on a continuing basis.

15 (Source: P.A. 88-89.)

16 (30 ILCS 115/12) (from Ch. 85, par. 616)

17 Sec. 12. Personal Property Tax Replacement Fund. There is
18 hereby created the Personal Property Tax Replacement Fund, a
19 special fund in the State Treasury into which shall be paid all
20 revenue realized:

21 (a) all amounts realized from the additional personal
22 property tax replacement income tax imposed by subsections (c)
23 and (d) of Section 201 of the Illinois Income Tax Act, except
24 for those amounts deposited into the Income Tax Refund Fund
25 pursuant to subsection (c) of Section 901 of the Illinois

1 Income Tax Act; and

2 (b) all amounts realized from the additional personal
3 property replacement invested capital taxes imposed by Section
4 2a.1 of the Messages Tax Act, Section 2a.1 of the Gas Revenue
5 Tax Act, Section 2a.1 of the Public Utilities Revenue Act, and
6 Section 3 of the Water Company Invested Capital Tax Act, and
7 amounts payable to the Department of Revenue under the
8 Telecommunications Infrastructure Maintenance Fee Act.

9 As soon as may be after the end of each month, the
10 Department of Revenue shall certify to the Treasurer and the
11 Comptroller the amount of all refunds paid out of the General
12 Revenue Fund through the preceding month on account of
13 overpayment of liability on taxes paid into the Personal
14 Property Tax Replacement Fund. Upon receipt of such
15 certification, the Treasurer and the Comptroller shall
16 transfer the amount so certified from the Personal Property Tax
17 Replacement Fund into the General Revenue Fund.

18 The payments of revenue into the Personal Property Tax
19 Replacement Fund shall be used exclusively for distribution to
20 taxing districts as provided in this Section, payment of the
21 ordinary and contingent expenses of the Property Tax Appeal
22 Board, payment of the expenses of the Department of Revenue
23 incurred in administering the collection and distribution of
24 monies paid into the Personal Property Tax Replacement Fund and
25 transfers due to refunds to taxpayers for overpayment of
26 liability for taxes paid into the Personal Property Tax

1 Replacement Fund.

2 As soon as may be after the effective date of this
3 amendatory Act of 1980, the Department of Revenue shall certify
4 to the Treasurer the amount of net replacement revenue paid
5 into the General Revenue Fund prior to that effective date from
6 the additional tax imposed by Section 2a.1 of the Messages Tax
7 Act; Section 2a.1 of the Gas Revenue Tax Act; Section 2a.1 of
8 the Public Utilities Revenue Act; Section 3 of the Water
9 Company Invested Capital Tax Act; amounts collected by the
10 Department of Revenue under the Telecommunications
11 Infrastructure Maintenance Fee Act; and the additional
12 personal property tax replacement income tax imposed by the
13 Illinois Income Tax Act, as amended by Public Act 81-1st
14 Special Session-1. Net replacement revenue shall be defined as
15 the total amount paid into and remaining in the General Revenue
16 Fund as a result of those Acts minus the amount outstanding and
17 obligated from the General Revenue Fund in state vouchers or
18 warrants prior to the effective date of this amendatory Act of
19 1980 as refunds to taxpayers for overpayment of liability under
20 those Acts.

21 All interest earned by monies accumulated in the Personal
22 Property Tax Replacement Fund shall be deposited in such Fund.
23 All amounts allocated pursuant to this Section are appropriated
24 on a continuing basis.

25 Prior to December 31, 1980, as soon as may be after the end
26 of each quarter beginning with the quarter ending December 31,

1 1979, and on and after December 31, 1980, as soon as may be
2 after January 1, March 1, April 1, May 1, July 1, August 1,
3 October 1 and December 1 of each year, the Department of
4 Revenue shall allocate to each taxing district as defined in
5 Section 1-150 of the Property Tax Code, in accordance with the
6 provisions of paragraph (2) of this Section the portion of the
7 funds held in the Personal Property Tax Replacement Fund which
8 is required to be distributed, as provided in paragraph (1),
9 for each quarter. Provided, however, under no circumstances
10 shall any taxing district during each of the first two years of
11 distribution of the taxes imposed by this amendatory Act of
12 1979 be entitled to an annual allocation which is less than the
13 funds such taxing district collected from the 1978 personal
14 property tax. Provided further that under no circumstances
15 shall any taxing district during the third year of distribution
16 of the taxes imposed by this amendatory Act of 1979 receive
17 less than 60% of the funds such taxing district collected from
18 the 1978 personal property tax. In the event that the total of
19 the allocations made as above provided for all taxing
20 districts, during either of such 3 years, exceeds the amount
21 available for distribution the allocation of each taxing
22 district shall be proportionately reduced. Except as provided
23 in Section 13 of this Act, the Department shall then certify,
24 pursuant to appropriation, such allocations to the State
25 Comptroller who shall pay over to the several taxing districts
26 the respective amounts allocated to them.

1 Any township which receives an allocation based in whole or
2 in part upon personal property taxes which it levied pursuant
3 to Section 6-507 or 6-512 of the Illinois Highway Code and
4 which was previously required to be paid over to a municipality
5 shall immediately pay over to that municipality a proportionate
6 share of the personal property replacement funds which such
7 township receives.

8 Any municipality or township, other than a municipality
9 with a population in excess of 500,000, which receives an
10 allocation based in whole or in part on personal property taxes
11 which it levied pursuant to Sections 3-1, 3-4 and 3-6 of the
12 Illinois Local Library Act and which was previously required to
13 be paid over to a public library shall immediately pay over to
14 that library a proportionate share of the personal property tax
15 replacement funds which such municipality or township
16 receives; provided that if such a public library has converted
17 to a library organized under The Illinois Public Library
18 District Act, regardless of whether such conversion has
19 occurred on, after or before January 1, 1988, such
20 proportionate share shall be immediately paid over to the
21 library district which maintains and operates the library.
22 However, any library that has converted prior to January 1,
23 1988, and which hitherto has not received the personal property
24 tax replacement funds, shall receive such funds commencing on
25 January 1, 1988.

26 Any township which receives an allocation based in whole or

1 in part on personal property taxes which it levied pursuant to
2 Section 1c of the Public Graveyards Act and which taxes were
3 previously required to be paid over to or used for such public
4 cemetery or cemeteries shall immediately pay over to or use for
5 such public cemetery or cemeteries a proportionate share of the
6 personal property tax replacement funds which the township
7 receives.

8 Any taxing district which receives an allocation based in
9 whole or in part upon personal property taxes which it levied
10 for another governmental body or school district in Cook County
11 in 1976 or for another governmental body or school district in
12 the remainder of the State in 1977 shall immediately pay over
13 to that governmental body or school district the amount of
14 personal property replacement funds which such governmental
15 body or school district would receive directly under the
16 provisions of paragraph (2) of this Section, had it levied its
17 own taxes.

18 (1) The portion of the Personal Property Tax
19 Replacement Fund required to be distributed as of the time
20 allocation is required to be made shall be the amount
21 available in such Fund as of the time allocation is
22 required to be made.

23 The amount available for distribution shall be the
24 total amount in the fund at such time minus the necessary
25 administrative expenses as limited by the appropriation
26 and the amount determined by: (a) \$2.8 million for fiscal

1 year 1981; (b) for fiscal year 1982, .54% of the funds
2 distributed from the fund during the preceding fiscal year;
3 (c) for fiscal year 1983 through fiscal year 1988, .54% of
4 the funds distributed from the fund during the preceding
5 fiscal year less .02% of such fund for fiscal year 1983 and
6 less .02% of such funds for each fiscal year thereafter, or
7 (d) for fiscal year 1989 and beyond no more than 105% of
8 the actual administrative expenses of the prior fiscal
9 year. Such portion of the fund shall be determined after
10 the transfer into the General Revenue Fund due to refunds,
11 if any, paid from the General Revenue Fund during the
12 preceding quarter. If at any time, for any reason, there is
13 insufficient amount in the Personal Property Tax
14 Replacement Fund for payment of costs of administration or
15 for transfers due to refunds at the end of any particular
16 month, the amount of such insufficiency shall be carried
17 over for the purposes of transfers into the General Revenue
18 Fund and for purposes of costs of administration to the
19 following month or months. Net replacement revenue held,
20 and defined above, shall be transferred by the Treasurer
21 and Comptroller to the Personal Property Tax Replacement
22 Fund within 10 days of such certification.

23 (2) Each quarterly allocation shall first be
24 apportioned in the following manner: 51.65% for taxing
25 districts in Cook County and 48.35% for taxing districts in
26 the remainder of the State.

1 The Personal Property Replacement Ratio of each taxing
2 district outside Cook County shall be the ratio which the Tax
3 Base of that taxing district bears to the Downstate Tax Base.
4 The Tax Base of each taxing district outside of Cook County is
5 the personal property tax collections for that taxing district
6 for the 1977 tax year. The Downstate Tax Base is the personal
7 property tax collections for all taxing districts in the State
8 outside of Cook County for the 1977 tax year. The Department of
9 Revenue shall have authority to review for accuracy and
10 completeness the personal property tax collections for each
11 taxing district outside Cook County for the 1977 tax year.

12 The Personal Property Replacement Ratio of each Cook County
13 taxing district shall be the ratio which the Tax Base of that
14 taxing district bears to the Cook County Tax Base. The Tax Base
15 of each Cook County taxing district is the personal property
16 tax collections for that taxing district for the 1976 tax year.
17 The Cook County Tax Base is the personal property tax
18 collections for all taxing districts in Cook County for the
19 1976 tax year. The Department of Revenue shall have authority
20 to review for accuracy and completeness the personal property
21 tax collections for each taxing district within Cook County for
22 the 1976 tax year.

23 For all purposes of this Section 12, amounts paid to a
24 taxing district for such tax years as may be applicable by a
25 foreign corporation under the provisions of Section 7-202 of
26 the Public Utilities Act, as amended, shall be deemed to be

1 personal property taxes collected by such taxing district for
2 such tax years as may be applicable. The Director shall
3 determine from the Illinois Commerce Commission, for any tax
4 year as may be applicable, the amounts so paid by any such
5 foreign corporation to any and all taxing districts. The
6 Illinois Commerce Commission shall furnish such information to
7 the Director. For all purposes of this Section 12, the Director
8 shall deem such amounts to be collected personal property taxes
9 of each such taxing district for the applicable tax year or
10 years.

11 Taxing districts located both in Cook County and in one or
12 more other counties shall receive both a Cook County allocation
13 and a Downstate allocation determined in the same way as all
14 other taxing districts.

15 If any taxing district in existence on July 1, 1979 ceases
16 to exist, or discontinues its operations, its Tax Base shall
17 thereafter be deemed to be zero. If the powers, duties and
18 obligations of the discontinued taxing district are assumed by
19 another taxing district, the Tax Base of the discontinued
20 taxing district shall be added to the Tax Base of the taxing
21 district assuming such powers, duties and obligations.

22 If two or more taxing districts in existence on July 1,
23 1979, or a successor or successors thereto shall consolidate
24 into one taxing district, the Tax Base of such consolidated
25 taxing district shall be the sum of the Tax Bases of each of
26 the taxing districts which have consolidated.

1 If a single taxing district in existence on July 1, 1979,
2 or a successor or successors thereto shall be divided into two
3 or more separate taxing districts, the tax base of the taxing
4 district so divided shall be allocated to each of the resulting
5 taxing districts in proportion to the then current equalized
6 assessed value of each resulting taxing district.

7 If a portion of the territory of a taxing district is
8 disconnected and annexed to another taxing district of the same
9 type, the Tax Base of the taxing district from which
10 disconnection was made shall be reduced in proportion to the
11 then current equalized assessed value of the disconnected
12 territory as compared with the then current equalized assessed
13 value within the entire territory of the taxing district prior
14 to disconnection, and the amount of such reduction shall be
15 added to the Tax Base of the taxing district to which
16 annexation is made.

17 If a community college district is created after July 1,
18 1979, beginning on the effective date of this amendatory Act of
19 1995, its Tax Base shall be 3.5% of the sum of the personal
20 property tax collected for the 1977 tax year within the
21 territorial jurisdiction of the district.

22 The amounts allocated and paid to taxing districts pursuant
23 to the provisions of this amendatory Act of 1979 shall be
24 deemed to be substitute revenues for the revenues derived from
25 taxes imposed on personal property pursuant to the provisions
26 of the "Revenue Act of 1939" or "An Act for the assessment and

1 taxation of private car line companies", approved July 22,
2 1943, as amended, or Section 414 of the Illinois Insurance
3 Code, prior to the abolition of such taxes and shall be used
4 for the same purposes as the revenues derived from ad valorem
5 taxes on real estate.

6 Monies received by any taxing districts from the Personal
7 Property Tax Replacement Fund shall be first applied toward
8 payment of the proportionate amount of debt service which was
9 previously levied and collected from extensions against
10 personal property on bonds outstanding as of December 31, 1978
11 and next applied toward payment of the proportionate share of
12 the pension or retirement obligations of the taxing district
13 which were previously levied and collected from extensions
14 against personal property. For each such outstanding bond
15 issue, the County Clerk shall determine the percentage of the
16 debt service which was collected from extensions against real
17 estate in the taxing district for 1978 taxes payable in 1979,
18 as related to the total amount of such levies and collections
19 from extensions against both real and personal property. For
20 1979 and subsequent years' taxes, the County Clerk shall levy
21 and extend taxes against the real estate of each taxing
22 district which will yield the said percentage or percentages of
23 the debt service on such outstanding bonds. The balance of the
24 amount necessary to fully pay such debt service shall
25 constitute a first and prior lien upon the monies received by
26 each such taxing district through the Personal Property Tax

1 Replacement Fund and shall be first applied or set aside for
2 such purpose. In counties having fewer than 3,000,000
3 inhabitants, the amendments to this paragraph as made by this
4 amendatory Act of 1980 shall be first applicable to 1980 taxes
5 to be collected in 1981.

6 The corporate authorities of any unit of local government
7 located in Macon, Sangamon, Menard, Logan, Christian, DeWitt,
8 Macoupin, Montgomery, Calhoun, Green, or Jersey County may
9 elect, by a majority vote of the corporate authorities, to make
10 deposits into the Central Illinois Economic Development
11 Authority Debt Fund from its respective share of the funds
12 distributed from the Personal Property Tax Replacement Fund.

13 (Source: P.A. 96-45, eff. 7-15-09.)

14 Section 15. The Central Illinois Economic Development
15 Authority Act is amended by adding Section 42 as follows:

16 (70 ILCS 504/42 new)

17 Sec. 42. Central Illinois Economic Development Authority
18 Debt Fund; creation. The Central Illinois Economic Development
19 Authority Debt Fund is created as a special fund in the State
20 treasury. Except as otherwise provided in this Section, moneys
21 in the Central Illinois Economic Development Authority Debt
22 Fund are allocated to and shall be appropriated by law to the
23 Authority for the purpose of paying the debt service
24 requirements on all bonds and notes issued under subsection (a)

1 of Section 35 of this Act. If at any time moneys in the Central
2 Illinois Economic Development Authority Debt Fund exceed the
3 amount required to pay debt service on bonds and notes issued
4 under subsection (a) of Section 35 of this Act, the Authority
5 must report that fact to the Governor and the General Assembly
6 in writing within 180 days after the surplus occurs.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".