



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB2570

Introduced 02/18/05, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

110 ILCS 805/3-33.6

from Ch. 122, par. 103-33.6

Amends the Public Community College Act. Provides that a community college district may, by proper resolution of the board following a public hearing set by the board or chairperson of the board, permanently transfer moneys from the working cash fund to the fund of the district most in need of the funds being transferred so long as the aggregate amount of transfers from the working cash fund in any fiscal year does not exceed 90% of the maximum amount credited to the working cash fund during the fiscal year. Provides that the public hearing must be preceded by notice. Effective immediately.

LRB094 08892 LJB 39112 b

1 AN ACT concerning education.

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

4 Section 5. The Public Community College Act is amended by
5 changing Section 3-33.6 as follows:

6 (110 ILCS 805/3-33.6) (from Ch. 122, par. 103-33.6)

7 Sec. 3-33.6. Monies may be transferred from the working
8 cash fund to the educational fund or operations and maintenance
9 fund only upon the authority of the board, which shall by
10 resolution direct the community college treasurer to make such
11 transfers. The resolution shall set forth (a) the taxes or
12 other funds in anticipation of the collection or receipt of
13 which the working cash fund is to be reimbursed, (b) the entire
14 amount of taxes extended, or which the board shall estimate
15 will be extended or received, for any year in anticipation of
16 the collection of all or part of which such transfers are to be
17 made, (c) the aggregate amount of warrants or notes theretofore
18 issued in anticipation of the collection of such taxes under
19 this Act together with the amount of interest accrued and which
20 the community college board estimates will accrue thereon, (d)
21 the amount of monies which the community college board
22 estimates will be derived for any year from the State, Federal
23 government or other sources in anticipation of the receipt of
24 all or part of which such transfer is to be made, (e) the
25 aggregate amount of receipts from taxes imposed to replace
26 revenue lost by units of local government and school districts
27 as a result of the abolition of ad valorem personal property
28 taxes, pursuant to Article IX, Section 5(c) of the Constitution
29 of the State of Illinois, which the corporate authorities
30 estimate will be set aside for the payment of the proportionate
31 amount of debt service and pension or retirement obligations,
32 as required by Section 12 of "An Act in relation to State

1 Revenue Sharing with local government entities", approved July
2 31, 1969, as amended, and (f) the aggregate amount of monies
3 theretofore transferred from the working cash fund to the
4 educational fund or operations and maintenance fund in
5 anticipation of the collection of such taxes or of the receipt
6 of such other monies from other sources. The amount which the
7 resolution shall direct the community college treasurer so to
8 transfer in anticipation of the collection of taxes levied or
9 to be received for any year, together with the aggregate amount
10 of such anticipation tax warrants or notes theretofore drawn
11 against such taxes and the amount of the interest accrued and
12 estimated to accrue thereon, the amount estimated to be
13 required to satisfy debt service and pension or retirement
14 obligations, as set forth in Section 12 of "An Act in relation
15 to State revenue sharing with local government entities",
16 approved July 31, 1969, as amended, and the aggregate amount of
17 such transfers theretofore made in anticipation of the
18 collection of such taxes may not exceed 90% of the actual or
19 estimated amount of such taxes extended or to be extended or to
20 be received as set forth in the resolution. The amount which
21 the resolution shall direct the community college treasurer so
22 to transfer in anticipation of the receipt of monies to be
23 derived for any year from the State, Federal government or from
24 other sources, together with the aggregate amount theretofore
25 transferred in anticipation of the receipt of any such monies,
26 may not exceed the total amount which it is so estimated will
27 be received from such source.

28 In addition, the community college district may, by proper
29 resolution of the board following a public hearing set by the
30 board or chairperson of the board, permanently transfer moneys
31 from the working cash fund to the fund of the district most in
32 need of the funds being transferred so long as the aggregate
33 amount of transfers from the working cash fund in any fiscal
34 year does not exceed 90% of the maximum amount credited to the
35 working cash fund during the fiscal year. The public hearing
36 required by this paragraph must be preceded by (i) at least one

1 published notice over the name of the secretary of the board
2 occurring at least 7 days and not more than 30 days prior to
3 the hearing in a newspaper of general circulation within the
4 community college district and (ii) posted notice over the name
5 of the secretary of the board at least 48 hours before the
6 hearing at the principal office of the board or at the building
7 where the hearing is to be held if a principal office does not
8 exist. Both notices shall set forth the time, date, place, and
9 subject matter of the hearing.

10 Any community college district may also abolish its working
11 cash fund upon the adoption of a resolution so providing and
12 directing the transfer of any balance in such fund to the
13 operating funds. If a community college district elects to
14 abolish its working cash fund under this provision, it shall
15 not establish another working cash fund, unless approved by the
16 voters of the community college district in the manner provided
17 by Article III of this Act. When monies are available in the
18 working cash fund, they shall, unless the community college
19 district has abolished its working cash fund pursuant to this
20 Section, be transferred to the educational fund and operations
21 and maintenance fund and disbursed for the payment of salaries
22 and other educational purposes and operation and maintenance of
23 facilities purposes expenses so as to avoid, whenever possible,
24 the issuance of tax anticipation warrants.

25 Monies earned as interest from the investment of the
26 working cash fund, or any portion thereof, may be transferred
27 from the working cash fund to the educational fund or
28 operations and maintenance fund of the district without any
29 requirement of repayment to the working cash fund, upon the
30 authority of the board by separate resolution directing the
31 treasurer to make such transfer and stating the purpose
32 therefor.

33 (Source: P.A. 85-1335.)

34 Section 99. Effective date. This Act takes effect upon
35 becoming law.