



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB3078

Introduced 1/20/2006, by Sen. Cheryl Axley - Pamela J. Althoff

#### SYNOPSIS AS INTRODUCED:

35 ILCS 200/31-35

525 ILCS 35/13

525 ILCS 35/14

from Ch. 85, par. 2113

from Ch. 85, par. 2114

Amends the Real Estate Transfer Tax Law of the Property Tax Code. Notwithstanding any other law, whether enacted before, on, or after the effective date of this amendatory Act of the 94th General Assembly, (i) the deposit of 35% of the moneys collected under the real estate transfer tax into the Open Space Lands Acquisition and Development Fund and the deposit of 15% of those moneys into the Natural Areas Acquisition Fund is mandatory and without exception, (ii) the moneys deposited into the Open Space Lands Acquisition and Development Fund and into the Natural Areas Acquisition Fund shall not be transferred or otherwise moved from those funds to any other fund or account for any purpose whatsoever other than the purposes of the Open Space Lands Acquisition and Development Act, and (iii) to the extent that any of these provisions is ever violated or thwarted by any other device, the State Treasurer is ordered to immediately transfer from the General Revenue Fund to the Open Space Lands Acquisition and Development Fund and the Natural Areas Acquisition Fund the amount of any deficiency caused thereby. Amends the Open Space Lands Acquisition and Development Act. Provides for an irrevocable and continuing appropriation in fiscal year 2006 and each fiscal year thereafter of all moneys in the Open Space Lands Acquisition and Development Fund and in the Natural Areas Acquisition Fund to the Department of Natural Resources for use under the Act. Provides that all moneys appropriated from the Open Space Lands Acquisition and Development Fund and from the Natural Areas Acquisition Fund must be expended, during the fiscal year and any appropriate lapse period, for the purposes of this Act and are not subject to any reserve, withholding, set-aside, or other device. Effective immediately.

SRS094 00019 SDF 30019 b

1 AN ACT concerning taxes.

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

4 Section 5. The Property Tax Code is amended by changing  
5 Section 31-35 as follows:

6 (35 ILCS 200/31-35)

7 Sec. 31-35. Deposit of tax revenue.

8 (a) Beginning on the effective date of this amendatory Act  
9 of the 92nd General Assembly and through June 30, 2003, of the  
10 moneys collected under Section 31-15, 50% shall be deposited  
11 into the Illinois Affordable Housing Trust Fund, 20% into the  
12 Open Space Lands Acquisition and Development Fund, 5% into the  
13 Natural Areas Acquisition Fund, and 25% into the General  
14 Revenue Fund.

15 (b) Beginning July 1, 2003, of the moneys collected under  
16 Section 31-15, 50% shall be deposited into the Illinois  
17 Affordable Housing Trust Fund, 35% into the Open Space Lands  
18 Acquisition and Development Fund, and 15% into the Natural  
19 Areas Acquisition Fund.

20 (c) Notwithstanding any other law, whether enacted before,  
21 on, or after the effective date of this amendatory Act of the  
22 94th General Assembly, (i) the deposit of 35% of the moneys  
23 collected under Section 31-35 into the Open Space Lands  
24 Acquisition and Development Fund is mandatory and without  
25 exception, (ii) the moneys deposited into the Open Space Lands  
26 Acquisition and Development Fund shall not be transferred or  
27 otherwise moved from that Fund to any other fund or account for  
28 any purpose whatsoever other than the purposes of the Open  
29 Space Lands Acquisition and Development Act, and (iii) to the  
30 extent that item (i) or (ii) is ever violated or the provisions  
31 of this subsection are ever thwarted by any other device, the  
32 State Treasurer is ordered to immediately transfer from the

1 General Revenue Fund to the Open Space Lands Acquisition and  
2 Development Fund the amount of any deficiency caused thereby.

3 (d) Notwithstanding any other law, whether enacted before,  
4 on, or after the effective date of this amendatory Act of the  
5 94th General Assembly, (i) the deposit of 15% of the moneys  
6 collected under Section 31-35 into the Natural Areas  
7 Acquisition Fund is mandatory and without exception, (ii) the  
8 moneys deposited into the Natural Areas Acquisition Fund shall  
9 not be transferred or otherwise moved from that Fund to any  
10 other fund or account for any purpose whatsoever other than the  
11 purposes set forth in Section 14 of the Open Space Lands  
12 Acquisition and Development Act, and (iii) to the extent that  
13 item (i) or (ii) is ever violated or the provisions of this  
14 subsection are ever thwarted by any other device, the State  
15 Treasurer is ordered to immediately transfer from the General  
16 Revenue Fund to the Natural Areas Acquisition Fund the amount  
17 of any deficiency caused thereby.

18 (Source: P.A. 91-555, eff. 1-1-00; 92-536, eff. 6-6-02; 92-874,  
19 eff. 7-1-03.)

20 Section 10. The Open Space Lands Acquisition and  
21 Development Act is amended by changing Sections 13 and 14 as  
22 follows:

23 (525 ILCS 35/13) (from Ch. 85, par. 2113)

24 Sec. 13. Open Space Lands Acquisition and Development Fund.

25 (a) There is hereby created in the State Treasury the Open  
26 Space Lands Acquisition and Development Fund. The fund shall be  
27 used by the Department to make grants to local governments in  
28 the manner and for the purposes described in Section 3.

29 (b) This Section constitutes an irrevocable and continuing  
30 appropriation in fiscal year 2006 and each fiscal year  
31 thereafter of all moneys in the Open Space Lands Acquisition  
32 and Development Fund to the Department for use under subsection  
33 (a).

34 (c) All moneys appropriated from the Open Space Lands

1 Acquisition and Development Fund must be expended, during the  
2 fiscal year and any appropriate lapse period, for the purposes  
3 of this Act and are not subject to any reserve, withholding,  
4 set-aside, or other device that would thwart the provisions of  
5 this Section.

6 (Source: P.A. 86-925.)

7 (525 ILCS 35/14) (from Ch. 85, par. 2114)

8 Sec. 14. The Natural Areas Acquisition Fund.

9 (a) There is hereby created in the State Treasury the  
10 Natural Areas Acquisition Fund. The fund shall be used by the  
11 Department for the acquisition, preservation and stewardship  
12 of natural areas, including habitats for endangered and  
13 threatened species, high quality natural communities,  
14 wetlands, and other areas with unique or unusual natural  
15 heritage qualities.

16 (b) This Section constitutes an irrevocable and continuing  
17 appropriation in fiscal year 2006 and each fiscal year  
18 thereafter of all moneys in the Natural Areas Acquisition Fund  
19 to the Department for use under subsection (a).

20 (c) All moneys appropriated from the Natural Areas  
21 Acquisition Fund must be expended, during the fiscal year and  
22 any appropriate lapse period, for the purposes of this Act and  
23 are not subject to any reserve, withholding, set-aside, or  
24 other device that would thwart the provisions of this Section.

25 (Source: P.A. 86-925.)

26 Section 99. Effective date. This Act takes effect upon  
27 becoming law.