



Rep. William Davis

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LRB100 15376 HLH 43310 a

1 AMENDMENT TO SENATE BILL 2610

2 AMENDMENT NO. _____. Amend Senate Bill 2610, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Department of Transportation Law of the
6 Civil Administrative Code of Illinois is amended by adding
7 Section 2705-615 as follows:

8 (20 ILCS 2705/2705-615 new)

9 Sec. 2705-615. Business enterprise program data. The
10 Department of Transportation shall publish and continuously
11 maintain on its website all relevant data in its possession for
12 establishing regional goals for affected municipalities,
13 counties, and road districts to implement business enterprise
14 programs as provided in Section 8 of the Motor Fuel Tax Law,
15 including: (i) the Department's most recent disparity study;
16 (ii) all other studies and data collected and generated for the

1 Department's calculation of goals for its disadvantaged
2 business enterprise program; and (iii) any lists of available
3 contractors and subcontractors that participate in the
4 Department's disadvantaged business enterprise program. This
5 data shall be published as a public resource to affected
6 municipalities, counties, and road districts but in no
7 circumstance shall the Department be responsible in any way for
8 the implementation of a local disadvantaged business
9 enterprise program.

10 Section 10. The Motor Fuel Tax Law is amended by changing
11 Section 8 as follows:

12 (35 ILCS 505/8) (from Ch. 120, par. 424)

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

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

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

5 (c) \$3,500,000 shall be transferred each month to the Grade
6 Crossing Protection Fund to be used as follows: not less than
7 \$12,000,000 each fiscal year shall be used for the construction
8 or reconstruction of rail highway grade separation structures;
9 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in
10 fiscal year 2010 and each fiscal year thereafter shall be
11 transferred to the Transportation Regulatory Fund and shall be
12 accounted for as part of the rail carrier portion of such funds
13 and shall be used to pay the cost of administration of the
14 Illinois Commerce Commission's railroad safety program in
15 connection with its duties under subsection (3) of Section
16 18c-7401 of the Illinois Vehicle Code, with the remainder to be
17 used by the Department of Transportation upon order of the
18 Illinois Commerce Commission, to pay that part of the cost
19 apportioned by such Commission to the State to cover the
20 interest of the public in the use of highways, roads, streets,
21 or pedestrian walkways in the county highway system, township
22 and district road system, or municipal street system as defined
23 in the Illinois Highway Code, as the same may from time to time
24 be amended, for separation of grades, for installation,
25 construction or reconstruction of crossing protection or
26 reconstruction, alteration, relocation including construction

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

1 Fund. The annual project plan shall identify projects for the
2 succeeding fiscal year and the 5-year project plan shall
3 identify projects for the 5 directly succeeding fiscal years.
4 The Commission shall submit the annual and 5-year project plans
5 for this Fund to the Governor, the President of the Senate, the
6 Senate Minority Leader, the Speaker of the House of
7 Representatives, and the Minority Leader of the House of
8 Representatives on the first Wednesday in April of each year;

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

12 (1) the costs of the Department of Revenue in
13 administering this Act;

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

18 (3) refunds provided for in Section 13, refunds for
19 overpayment of decal fees paid under Section 13a.4 of this
20 Act, and refunds provided for under the terms of the
21 International Fuel Tax Agreement referenced in Section
22 14a;

23 (4) from October 1, 1985 until June 30, 1994, the
24 administration of the Vehicle Emissions Inspection Law,
25 which amount shall be certified monthly by the
26 Environmental Protection Agency to the State Comptroller

1 and shall promptly be transferred by the State Comptroller
2 and Treasurer from the Motor Fuel Tax Fund to the Vehicle
3 Inspection Fund, and for the period July 1, 1994 through
4 June 30, 2000, one-twelfth of \$25,000,000 each month, for
5 the period July 1, 2000 through June 30, 2003, one-twelfth
6 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,
7 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each
8 July 1 and October 1, or as soon thereafter as may be
9 practical, during the period July 1, 2004 through June 30,
10 2012, and \$30,000,000 on June 1, 2013, or as soon
11 thereafter as may be practical, and \$15,000,000 on July 1
12 and October 1, or as soon thereafter as may be practical,
13 during the period of July 1, 2013 through June 30, 2015,
14 for the administration of the Vehicle Emissions Inspection
15 Law of 2005, to be transferred by the State Comptroller and
16 Treasurer from the Motor Fuel Tax Fund into the Vehicle
17 Inspection Fund;

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

19 (6) payment of motor fuel use taxes due to member
20 jurisdictions under the terms of the International Fuel Tax
21 Agreement. The Department shall certify these amounts to
22 the Comptroller by the 15th day of each month; the
23 Comptroller shall cause orders to be drawn for such
24 amounts, and the Treasurer shall administer those amounts
25 on or before the last day of each month;

26 (e) after allocations for the purposes set forth in

1 subsections (a), (b), (c) and (d), the remaining amount shall
2 be apportioned as follows:

3 (1) Until January 1, 2000, 58.4%, and beginning January
4 1, 2000, 45.6% shall be deposited as follows:

5 (A) 37% into the State Construction Account Fund,
6 and

7 (B) 63% into the Road Fund, \$1,250,000 of which
8 shall be reserved each month for the Department of
9 Transportation to be used in accordance with the
10 provisions of Sections 6-901 through 6-906 of the
11 Illinois Highway Code;

12 (2) Until January 1, 2000, 41.6%, and beginning January
13 1, 2000, 54.4% shall be transferred to the Department of
14 Transportation to be distributed as follows:

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

16 (B) 16.74% to the counties of the State having
17 1,000,000 or more inhabitants,

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

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

21 As soon as may be after the first day of each month the
22 Department of Transportation shall allot to each municipality
23 its share of the amount apportioned to the several
24 municipalities which shall be in proportion to the population
25 of such municipalities as determined by the last preceding
26 municipal census if conducted by the Federal Government or

1 Federal census. If territory is annexed to any municipality
2 subsequent to the time of the last preceding census the
3 corporate authorities of such municipality may cause a census
4 to be taken of such annexed territory and the population so
5 ascertained for such territory shall be added to the population
6 of the municipality as determined by the last preceding census
7 for the purpose of determining the allotment for that
8 municipality. If the population of any municipality was not
9 determined by the last Federal census preceding any
10 apportionment, the apportionment to such municipality shall be
11 in accordance with any census taken by such municipality. Any
12 municipal census used in accordance with this Section shall be
13 certified to the Department of Transportation by the clerk of
14 such municipality, and the accuracy thereof shall be subject to
15 approval of the Department which may make such corrections as
16 it ascertains to be necessary.

17 As soon as may be after the first day of each month the
18 Department of Transportation shall allot to each county its
19 share of the amount apportioned to the several counties of the
20 State as herein provided. Each allotment to the several
21 counties having less than 1,000,000 inhabitants shall be in
22 proportion to the amount of motor vehicle license fees received
23 from the residents of such counties, respectively, during the
24 preceding calendar year. The Secretary of State shall, on or
25 before April 15 of each year, transmit to the Department of
26 Transportation a full and complete report showing the amount of

1 motor vehicle license fees received from the residents of each
2 county, respectively, during the preceding calendar year. The
3 Department of Transportation shall, each month, use for
4 allotment purposes the last such report received from the
5 Secretary of State.

6 As soon as may be after the first day of each month, the
7 Department of Transportation shall allot to the several
8 counties their share of the amount apportioned for the use of
9 road districts. The allotment shall be apportioned among the
10 several counties in the State in the proportion which the total
11 mileage of township or district roads in the respective
12 counties bears to the total mileage of all township and
13 district roads in the State. Funds allotted to the respective
14 counties for the use of road districts therein shall be
15 allocated to the several road districts in the county in the
16 proportion which the total mileage of such township or district
17 roads in the respective road districts bears to the total
18 mileage of all such township or district roads in the county.
19 After July 1 of any year prior to 2011, no allocation shall be
20 made for any road district unless it levied a tax for road and
21 bridge purposes in an amount which will require the extension
22 of such tax against the taxable property in any such road
23 district at a rate of not less than either .08% of the value
24 thereof, based upon the assessment for the year immediately
25 prior to the year in which such tax was levied and as equalized
26 by the Department of Revenue or, in DuPage County, an amount

1 equal to or greater than \$12,000 per mile of road under the
2 jurisdiction of the road district, whichever is less. Beginning
3 July 1, 2011 and each July 1 thereafter, an allocation shall be
4 made for any road district if it levied a tax for road and
5 bridge purposes. In counties other than DuPage County, if the
6 amount of the tax levy requires the extension of the tax
7 against the taxable property in the road district at a rate
8 that is less than 0.08% of the value thereof, based upon the
9 assessment for the year immediately prior to the year in which
10 the tax was levied and as equalized by the Department of
11 Revenue, then the amount of the allocation for that road
12 district shall be a percentage of the maximum allocation equal
13 to the percentage obtained by dividing the rate extended by the
14 district by 0.08%. In DuPage County, if the amount of the tax
15 levy requires the extension of the tax against the taxable
16 property in the road district at a rate that is less than the
17 lesser of (i) 0.08% of the value of the taxable property in the
18 road district, based upon the assessment for the year
19 immediately prior to the year in which such tax was levied and
20 as equalized by the Department of Revenue, or (ii) a rate that
21 will yield an amount equal to \$12,000 per mile of road under
22 the jurisdiction of the road district, then the amount of the
23 allocation for the road district shall be a percentage of the
24 maximum allocation equal to the percentage obtained by dividing
25 the rate extended by the district by the lesser of (i) 0.08% or
26 (ii) the rate that will yield an amount equal to \$12,000 per

1 mile of road under the jurisdiction of the road district.

2 The Department shall prepare a continuous list (which may
3 include a link to information already maintained on the
4 Department's website) of all affected municipalities,
5 counties, and road districts receiving more than \$1,500,000 in
6 motor fuel tax revenue in the previous fiscal year; the
7 Department shall publish and continuously maintain the list on
8 its website. Notwithstanding any other provision of law, no
9 municipality, county, or road district that received
10 distributions under this subsection (e) totaling more than
11 \$2,000,000 in any State fiscal year beginning on or after July
12 1, 2018 shall receive any funds under this subsection (e) on or
13 after July 1 of the third fiscal year to occur after the fiscal
14 year in which the municipality, county, or road district
15 received distributions totaling more than \$2,000,000 unless,
16 on or before June 30 of the second fiscal year after the
17 municipality, county, or road district received distributions
18 totaling more than \$2,000,000, that municipality, county, or
19 road district implements a disadvantaged business enterprise
20 program setting goals for the inclusion of minority, veteran,
21 and female-owned businesses in the procurement of all
22 contracts, including, but not limited to, contracts funded
23 using motor fuel tax revenue. Those programs shall (i) cover
24 both professional services and construction procurement and
25 (ii) be substantially similar to the State's disadvantaged
26 business enterprise program for the region in which the

1 municipality, county, or road district is located, as
2 established in the Department's most recent disparity study.
3 The Department of Transportation shall prepare a list of all
4 affected municipalities, counties, and road districts and
5 shall publish the list on its website. Any municipality,
6 county, or road district that is subject to this paragraph may
7 adopt processes requiring disadvantaged business enterprises
8 and non-disadvantaged business enterprises to provide
9 additional documentation and assurances that the enterprise is
10 qualified to complete the necessary work of the contract. No
11 such municipality, county, or road district may adopt separate
12 standards for disadvantaged business enterprises and
13 non-disadvantaged business enterprises. Any additional
14 processes must conform with 49 C.F.R. 26. This amendatory Act
15 of the 100th General Assembly does not apply to any
16 municipality, county, or road district that has established a
17 disadvantaged business enterprise program prior to the
18 effective date of this amendatory Act of the 100th General
19 Assembly, as required by regulations adopted by the United
20 States Department of Transportation at 49 C.F.R. 26.

21 With respect to municipalities, counties, and road
22 districts that are subject to the disadvantaged business
23 enterprise program requirements of the preceding paragraph,
24 when a disadvantaged business enterprise bid price is more than
25 5% above the non-disadvantaged business enterprise bid price,
26 the municipality, county, or road district may grant a goal

1 modification if it determines that good faith efforts have been
2 met on the part of the prime contractor in accordance with 49
3 C.F.R. 26.

4 Prior to 2011, if any road district has levied a special
5 tax for road purposes pursuant to Sections 6-601, 6-602 and
6 6-603 of the Illinois Highway Code, and such tax was levied in
7 an amount which would require extension at a rate of not less
8 than .08% of the value of the taxable property thereof, as
9 equalized or assessed by the Department of Revenue, or, in
10 DuPage County, an amount equal to or greater than \$12,000 per
11 mile of road under the jurisdiction of the road district,
12 whichever is less, such levy shall, however, be deemed a proper
13 compliance with this Section and shall qualify such road
14 district for an allotment under this Section. Beginning in 2011
15 and thereafter, if any road district has levied a special tax
16 for road purposes under Sections 6-601, 6-602, and 6-603 of the
17 Illinois Highway Code, and the tax was levied in an amount that
18 would require extension at a rate of not less than 0.08% of the
19 value of the taxable property of that road district, as
20 equalized or assessed by the Department of Revenue or, in
21 DuPage County, an amount equal to or greater than \$12,000 per
22 mile of road under the jurisdiction of the road district,
23 whichever is less, that levy shall be deemed a proper
24 compliance with this Section and shall qualify such road
25 district for a full, rather than proportionate, allotment under
26 this Section. If the levy for the special tax is less than

1 0.08% of the value of the taxable property, or, in DuPage
2 County if the levy for the special tax is less than the lesser
3 of (i) 0.08% or (ii) \$12,000 per mile of road under the
4 jurisdiction of the road district, and if the levy for the
5 special tax is more than any other levy for road and bridge
6 purposes, then the levy for the special tax qualifies the road
7 district for a proportionate, rather than full, allotment under
8 this Section. If the levy for the special tax is equal to or
9 less than any other levy for road and bridge purposes, then any
10 allotment under this Section shall be determined by the other
11 levy for road and bridge purposes.

12 Prior to 2011, if a township has transferred to the road
13 and bridge fund money which, when added to the amount of any
14 tax levy of the road district would be the equivalent of a tax
15 levy requiring extension at a rate of at least .08%, or, in
16 DuPage County, an amount equal to or greater than \$12,000 per
17 mile of road under the jurisdiction of the road district,
18 whichever is less, such transfer, together with any such tax
19 levy, shall be deemed a proper compliance with this Section and
20 shall qualify the road district for an allotment under this
21 Section.

22 In counties in which a property tax extension limitation is
23 imposed under the Property Tax Extension Limitation Law, road
24 districts may retain their entitlement to a motor fuel tax
25 allotment or, beginning in 2011, their entitlement to a full
26 allotment if, at the time the property tax extension limitation

1 was imposed, the road district was levying a road and bridge
2 tax at a rate sufficient to entitle it to a motor fuel tax
3 allotment and continues to levy the maximum allowable amount
4 after the imposition of the property tax extension limitation.
5 Any road district may in all circumstances retain its
6 entitlement to a motor fuel tax allotment or, beginning in
7 2011, its entitlement to a full allotment if it levied a road
8 and bridge tax in an amount that will require the extension of
9 the tax against the taxable property in the road district at a
10 rate of not less than 0.08% of the assessed value of the
11 property, based upon the assessment for the year immediately
12 preceding the year in which the tax was levied and as equalized
13 by the Department of Revenue or, in DuPage County, an amount
14 equal to or greater than \$12,000 per mile of road under the
15 jurisdiction of the road district, whichever is less.

16 As used in this Section the term "road district" means any
17 road district, including a county unit road district, provided
18 for by the Illinois Highway Code; and the term "township or
19 district road" means any road in the township and district road
20 system as defined in the Illinois Highway Code. For the
21 purposes of this Section, "township or district road" also
22 includes such roads as are maintained by park districts, forest
23 preserve districts and conservation districts. The Department
24 of Transportation shall determine the mileage of all township
25 and district roads for the purposes of making allotments and
26 allocations of motor fuel tax funds for use in road districts.

1 Payment of motor fuel tax moneys to municipalities and
2 counties shall be made as soon as possible after the allotment
3 is made. The treasurer of the municipality or county may invest
4 these funds until their use is required and the interest earned
5 by these investments shall be limited to the same uses as the
6 principal funds.

7 (Source: P.A. 97-72, eff. 7-1-11; 97-333, eff. 8-12-11; 98-24,
8 eff. 6-19-13; 98-674, eff. 6-30-14.)

9 Section 97. Severability. The provisions of this Act are
10 severable under Section 1.31 of the Statute on Statutes.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."