



Sen. Napoleon Harris, III

Filed: 3/3/2020

10100SB2305sam001

LRB101 15171 HLH 70971 a

1 AMENDMENT TO SENATE BILL 2305

2 AMENDMENT NO. _____. Amend Senate Bill 2305 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. 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 subsection (a-1) of this
8 Section, Section 8a, subdivision (h) (1) of Section 12a, Section
9 13a.6, and items 13, 14, 15, and 16 of Section 15, all money
10 received by the Department under this Act, including payments
11 made to the Department by member jurisdictions participating in
12 the International Fuel Tax Agreement, shall be deposited in a
13 special fund in the State treasury, to be known as the "Motor
14 Fuel Tax Fund", and shall 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

1 Act shall be transferred to the State Construction Account Fund
2 in the State Treasury; the remainder of the tax collected on
3 special fuel under paragraph (b) of Section 2 and Section 13a
4 of this Act shall be deposited into the Road Fund;

5 (a-1) Beginning on July 1, 2019, an amount equal to the
6 amount of tax collected under subsection (a) of Section 2 as a
7 result of the increase in the tax rate under Public Act 101-32
8 ~~this amendatory Act of the 101st General Assembly~~ shall be
9 transferred each month into the Transportation Renewal Fund;~~;~~

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

14 (c) \$3,500,000 shall be transferred each month to the Grade
15 Crossing Protection Fund to be used as follows: not less than
16 \$12,000,000 each fiscal year shall be used for the construction
17 or reconstruction of rail highway grade separation structures;
18 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in
19 fiscal year 2010 and each fiscal year thereafter shall be
20 transferred to the Transportation Regulatory Fund and shall be
21 accounted for as part of the rail carrier portion of such funds
22 and shall be used to pay the cost of administration of the
23 Illinois Commerce Commission's railroad safety program in
24 connection with its duties under subsection (3) of Section
25 18c-7401 of the Illinois Vehicle Code, with the remainder to be
26 used by the Department of Transportation upon order of the

1 Illinois Commerce Commission, to pay that part of the cost
2 apportioned by such Commission to the State to cover the
3 interest of the public in the use of highways, roads, streets,
4 or pedestrian walkways in the county highway system, township
5 and district road system, or municipal street system as defined
6 in the Illinois Highway Code, as the same may from time to time
7 be amended, for separation of grades, for installation,
8 construction or reconstruction of crossing protection or
9 reconstruction, alteration, relocation including construction
10 or improvement of any existing highway necessary for access to
11 property or improvement of any grade crossing and grade
12 crossing surface including the necessary highway approaches
13 thereto of any railroad across the highway or public road, or
14 for the installation, construction, reconstruction, or
15 maintenance of a pedestrian walkway over or under a railroad
16 right-of-way, as provided for in and in accordance with Section
17 18c-7401 of the Illinois Vehicle Code. The Commission may order
18 up to \$2,000,000 per year in Grade Crossing Protection Fund
19 moneys for the improvement of grade crossing surfaces and up to
20 \$300,000 per year for the maintenance and renewal of 4-quadrant
21 gate vehicle detection systems located at non-high speed rail
22 grade crossings. The Commission shall not order more than
23 \$2,000,000 per year in Grade Crossing Protection Fund moneys
24 for pedestrian walkways. In entering orders for projects for
25 which payments from the Grade Crossing Protection Fund will be
26 made, the Commission shall account for expenditures authorized

1 by the orders on a cash rather than an accrual basis. For
2 purposes of this requirement an "accrual basis" assumes that
3 the total cost of the project is expended in the fiscal year in
4 which the order is entered, while a "cash basis" allocates the
5 cost of the project among fiscal years as expenditures are
6 actually made. To meet the requirements of this subsection, the
7 Illinois Commerce Commission shall develop annual and 5-year
8 project plans of rail crossing capital improvements that will
9 be paid for with moneys from the Grade Crossing Protection
10 Fund. The annual project plan shall identify projects for the
11 succeeding fiscal year and the 5-year project plan shall
12 identify projects for the 5 directly succeeding fiscal years.
13 The Commission shall submit the annual and 5-year project plans
14 for this Fund to the Governor, the President of the Senate, the
15 Senate Minority Leader, the Speaker of the House of
16 Representatives, and the Minority Leader of the House of
17 Representatives on the first Wednesday in April of each year;

18 (d) of the amount remaining after allocations provided for
19 in subsections (a), (a-1), (b), and (c), a sufficient amount
20 shall be reserved to pay all of the following:

21 (1) the costs of the Department of Revenue in
22 administering this Act;

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

1 (3) refunds provided for in Section 13, refunds for
2 overpayment of decal fees paid under Section 13a.4 of this
3 Act, and refunds provided for under the terms of the
4 International Fuel Tax Agreement referenced in Section
5 14a;

6 (4) from October 1, 1985 until June 30, 1994, the
7 administration of the Vehicle Emissions Inspection Law,
8 which amount shall be certified monthly by the
9 Environmental Protection Agency to the State Comptroller
10 and shall promptly be transferred by the State Comptroller
11 and Treasurer from the Motor Fuel Tax Fund to the Vehicle
12 Inspection Fund, and for the period July 1, 1994 through
13 June 30, 2000, one-twelfth of \$25,000,000 each month, for
14 the period July 1, 2000 through June 30, 2003, one-twelfth
15 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,
16 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each
17 July 1 and October 1, or as soon thereafter as may be
18 practical, during the period July 1, 2004 through June 30,
19 2012, and \$30,000,000 on June 1, 2013, or as soon
20 thereafter as may be practical, and \$15,000,000 on July 1
21 and October 1, or as soon thereafter as may be practical,
22 during the period of July 1, 2013 through June 30, 2015,
23 for the administration of the Vehicle Emissions Inspection
24 Law of 2005, to be transferred by the State Comptroller and
25 Treasurer from the Motor Fuel Tax Fund into the Vehicle
26 Inspection Fund;

1 (4.5) beginning on July 1, 2019, the costs of the
2 Environmental Protection Agency for the administration of
3 the Vehicle Emissions Inspection Law of 2005 shall be paid,
4 subject to appropriation, from the Motor Fuel Tax Fund into
5 the Vehicle Inspection Fund; beginning in 2019, no later
6 than December 31 of each year, or as soon thereafter as
7 practical, the State Comptroller shall direct and the State
8 Treasurer shall transfer from the Vehicle Inspection Fund
9 to the Motor Fuel Tax Fund any balance remaining in the
10 Vehicle Inspection Fund in excess of \$2,000,000;

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

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

19 (e) after allocations for the purposes set forth in
20 subsections (a), (a-1), (b), (c), (d) and (d), the remaining amount
21 shall be apportioned as follows:

22 (1) Until January 1, 2000, 58.4%, and beginning January
23 1, 2000, 45.6% shall be deposited as follows:

24 (A) 37% into the State Construction Account Fund,
25 and

26 (B) 63% into the Road Fund, \$1,250,000 of which

1 shall be reserved each month for the Department of
2 Transportation to be used in accordance with the
3 provisions of Sections 6-901 through 6-906 of the
4 Illinois Highway Code;

5 (2) Until January 1, 2000, 41.6%, and beginning January
6 1, 2000, 54.4% shall be transferred to the Department of
7 Transportation to be distributed as follows:

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

9 (B) 16.74% to the counties of the State having
10 1,000,000 or more inhabitants,

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

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

14 If a township is dissolved under Article 24 of the
15 Township Code, McHenry County shall receive any moneys that
16 would have been distributed to the township under this
17 subparagraph, except that a municipality that assumes the
18 powers and responsibilities of a road district under
19 paragraph (6) of Section 24-35 of the Township Code shall
20 receive any moneys that would have been distributed to the
21 township in a percent equal to the area of the dissolved
22 road district or portion of the dissolved road district
23 over which the municipality assumed the powers and
24 responsibilities compared to the total area of the
25 dissolved township. The moneys received under this
26 subparagraph shall be used in the geographic area of the

1 dissolved township. If a township is reconstituted as
2 provided under Section 24-45 of the Township Code, McHenry
3 County or a municipality shall no longer be distributed
4 moneys under this subparagraph.

5 As soon as may be after the first day of each month, the
6 Department of Transportation shall allot to each municipality
7 its share of the amount apportioned to the several
8 municipalities which shall be in proportion to the population
9 of such municipalities as determined by the last preceding
10 municipal census if conducted by the Federal Government or
11 Federal census. If territory is annexed to any municipality
12 subsequent to the time of the last preceding census the
13 corporate authorities of such municipality may cause a census
14 to be taken of such annexed territory and the population so
15 ascertained for such territory shall be added to the population
16 of the municipality as determined by the last preceding census
17 for the purpose of determining the allotment for that
18 municipality. If the population of any municipality was not
19 determined by the last Federal census preceding any
20 apportionment, the apportionment to such municipality shall be
21 in accordance with any census taken by such municipality. Any
22 municipal census used in accordance with this Section shall be
23 certified to the Department of Transportation by the clerk of
24 such municipality, and the accuracy thereof shall be subject to
25 approval of the Department which may make such corrections as
26 it ascertains to be necessary.

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

16 As soon as may be after the first day of each month, the
17 Department of Transportation shall allot to the several
18 counties their share of the amount apportioned for the use of
19 road districts. The allotment shall be apportioned among the
20 several counties in the State in the proportion which the total
21 mileage of township or district roads in the respective
22 counties bears to the total mileage of all township and
23 district roads in the State. Funds allotted to the respective
24 counties for the use of road districts therein shall be
25 allocated to the several road districts in the county in the
26 proportion which the total mileage of such township or district

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

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

12 Each municipality with more than 50,000 inhabitants and
13 each county with more than 100,000 inhabitants shall establish
14 a business enterprise program for the procurement of contracts.
15 Notwithstanding any other provision of law, in order to receive
16 a distribution under this Section for a fiscal year beginning
17 on or after July 1, 2023, an affected municipality or county
18 must certify to the Department of Transportation that it has
19 established a minority-owned, women-owned, and veteran-owned
20 business enterprise program. The municipality or county shall
21 accept vendor certifications for minority-owned, women-owned
22 or veteran-owned businesses from the State of Illinois, the
23 County of Cook, the City of Chicago, the Chicago Minority
24 Supplier Development Council, and the Women's Business
25 Development Center. The Department of Transportation, the
26 Illinois Toll Highway Authority, and the Department of Central

1 Management Services shall publish all data on their studies
2 related to their business enterprise programs to assist the
3 affected counties and municipalities and shall include in the
4 completion of all future surveys of minority-owned,
5 women-owned, and veteran-owned businesses whether those
6 businesses are available to work for any or all of the affected
7 municipalities or counties. Affected counties and
8 municipalities may use Transportation Renewal Fund moneys and
9 motor fuel tax moneys to conduct disparity studies. Affected
10 counties and municipalities may jointly conduct disparity
11 studies in cooperation with agencies and councils of government
12 as they deem appropriate.

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

1 would require extension at a rate of not less than 0.08% of the
2 value of the taxable property of that road district, as
3 equalized or assessed by the Department of Revenue 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, that levy shall be deemed a proper
7 compliance with this Section and shall qualify such road
8 district for a full, rather than proportionate, allotment under
9 this Section. If the levy for the special tax is less than
10 0.08% of the value of the taxable property, or, in DuPage
11 County if the levy for the special tax is less than the lesser
12 of (i) 0.08% or (ii) \$12,000 per mile of road under the
13 jurisdiction of the road district, and if the levy for the
14 special tax is more than any other levy for road and bridge
15 purposes, then the levy for the special tax qualifies the road
16 district for a proportionate, rather than full, allotment under
17 this Section. If the levy for the special tax is equal to or
18 less than any other levy for road and bridge purposes, then any
19 allotment under this Section shall be determined by the other
20 levy for road and bridge purposes.

21 Prior to 2011, if a township has transferred to the road
22 and bridge fund money which, when added to the amount of any
23 tax levy of the road district would be the equivalent of a tax
24 levy requiring extension at a rate of at least .08%, or, in
25 DuPage County, an amount equal to or greater than \$12,000 per
26 mile of road under the jurisdiction of the road district,

1 whichever is less, such transfer, together with any such tax
2 levy, shall be deemed a proper compliance with this Section and
3 shall qualify the road district for an allotment under this
4 Section.

5 In counties in which a property tax extension limitation is
6 imposed under the Property Tax Extension Limitation Law, road
7 districts may retain their entitlement to a motor fuel tax
8 allotment or, beginning in 2011, their entitlement to a full
9 allotment if, at the time the property tax extension limitation
10 was imposed, the road district was levying a road and bridge
11 tax at a rate sufficient to entitle it to a motor fuel tax
12 allotment and continues to levy the maximum allowable amount
13 after the imposition of the property tax extension limitation.
14 Any road district may in all circumstances retain its
15 entitlement to a motor fuel tax allotment or, beginning in
16 2011, its entitlement to a full allotment if it levied a road
17 and bridge tax in an amount that will require the extension of
18 the tax against the taxable property in the road district at a
19 rate of not less than 0.08% of the assessed value of the
20 property, based upon the assessment for the year immediately
21 preceding the year in which the tax was levied and as equalized
22 by the Department of Revenue or, in DuPage County, an amount
23 equal to or greater than \$12,000 per mile of road under the
24 jurisdiction of the road district, whichever is less.

25 As used in this Section, the term "road district" means any
26 road district, including a county unit road district, provided

1 for by the Illinois Highway Code; and the term "township or
2 district road" means any road in the township and district road
3 system as defined in the Illinois Highway Code. For the
4 purposes of this Section, "township or district road" also
5 includes such roads as are maintained by park districts, forest
6 preserve districts and conservation districts. The Department
7 of Transportation shall determine the mileage of all township
8 and district roads for the purposes of making allotments and
9 allocations of motor fuel tax funds for use in road districts.

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

16 (Source: P.A. 101-32, eff. 6-28-19; 101-230, eff. 8-9-19;
17 101-493, eff. 8-23-19; revised 9-24-19.)

18 Section 10. The Local Government Professional Services
19 Selection Act is amended by changing Sections 5 and 8 as
20 follows:

21 (50 ILCS 510/5) (from Ch. 85, par. 6405)

22 Sec. 5. Evaluation Procedure. A political subdivision
23 shall, unless it has a satisfactory relationship for services
24 with one or more firms and the cost of services for the project

1 is estimated to be less than \$1,000,000, evaluate the firms
2 submitting letters of interest, taking into account
3 qualifications, ability of professional personnel, past record
4 and experience, performance data on file, willingness to meet
5 time requirements, location, workload of the firm, and such
6 other qualifications-based factors as the political
7 subdivision may determine in writing are applicable. The
8 political subdivision may conduct discussions with and require
9 public presentations by firms deemed to be the most qualified
10 regarding their qualifications, approach to the project, and
11 ability to furnish the required services. In no case shall a
12 political subdivision, prior to selecting a firm for
13 negotiation under Section 7, seek formal or informal submission
14 of verbal or written estimates of costs or proposals in terms
15 of dollars, hours required, percentage of construction cost, or
16 any other measure of compensation.

17 (Source: P.A. 94-1097, eff. 2-2-07.)

18 (50 ILCS 510/8) (from Ch. 85, par. 6408)

19 Sec. 8. Waiver of competition. A political subdivision may
20 waive the requirements of Sections 4, 5, and 6 if: (1) it
21 determines, by resolution, that an emergency situation exists
22 and a firm must be selected in an expeditious manner; ~~(2), or~~
23 the cost of architectural, engineering, and land surveying
24 services for the project is expected to be less than \$50,000;
25 or (3) the political subdivision contracts with a firm with

1 which the political subdivision has a satisfactory
2 relationship and the cost of services for the project is
3 estimated to be less than \$1,000,000. \$40,000. This amount
4 shall be increased annually by a percentage equal to the annual
5 unadjusted percentage increase, if any, as determined by the
6 consumer price index u.

7 ~~For purposes of this Section, "consumer price index u"~~
8 ~~means the index published by the Bureau of Labor Statistics of~~
9 ~~the United States Department of Labor that measures the average~~
10 ~~change in prices of goods and services purchased by all urban~~
11 ~~consumers, United States city average, all items, 1982-84=100.~~

12 (Source: P.A. 100-968, eff. 1-1-19.)

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