

1 AN ACT concerning State government.

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

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

7 (20 ILCS 2705/2705-615 new)

8 Sec. 2705-615. Business enterprise program data. The
9 Department of Transportation shall publish on its website all
10 relevant data in its possession for establishing regional goals
11 for affected municipalities, counties, and road districts to
12 implement business enterprise programs as provided in Section 8
13 of the Motor Fuel Tax Law, including all studies and data
14 collected and generated for the Department's calculation of
15 goals for its disadvantaged business enterprise program and any
16 disparity studies and lists of available contractors and
17 subcontractors that participate in the Department's
18 disadvantaged business enterprise program. This data shall be
19 published as a public resource to affected municipalities,
20 counties, and road districts but in no circumstance shall the
21 Department be responsible in any way for the implementation of
22 a local business enterprise program.

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

3 (35 ILCS 505/8) (from Ch. 120, par. 424)

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

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

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

20 (c) \$3,500,000 shall be transferred each month to the Grade
21 Crossing Protection Fund to be used as follows: not less than
22 \$12,000,000 each fiscal year shall be used for the construction
23 or reconstruction of rail highway grade separation structures;
24 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in
25 fiscal year 2010 and each fiscal year thereafter shall be

1 transferred to the Transportation Regulatory Fund and shall be
2 accounted for as part of the rail carrier portion of such funds
3 and shall be used to pay the cost of administration of the
4 Illinois Commerce Commission's railroad safety program in
5 connection with its duties under subsection (3) of Section
6 18c-7401 of the Illinois Vehicle Code, with the remainder to be
7 used by the Department of Transportation upon order of the
8 Illinois Commerce Commission, to pay that part of the cost
9 apportioned by such Commission to the State to cover the
10 interest of the public in the use of highways, roads, streets,
11 or pedestrian walkways in the county highway system, township
12 and district road system, or municipal street system as defined
13 in the Illinois Highway Code, as the same may from time to time
14 be amended, for separation of grades, for installation,
15 construction or reconstruction of crossing protection or
16 reconstruction, alteration, relocation including construction
17 or improvement of any existing highway necessary for access to
18 property or improvement of any grade crossing and grade
19 crossing surface including the necessary highway approaches
20 thereto of any railroad across the highway or public road, or
21 for the installation, construction, reconstruction, or
22 maintenance of a pedestrian walkway over or under a railroad
23 right-of-way, as provided for in and in accordance with Section
24 18c-7401 of the Illinois Vehicle Code. The Commission may order
25 up to \$2,000,000 per year in Grade Crossing Protection Fund
26 moneys for the improvement of grade crossing surfaces and up to

1 \$300,000 per year for the maintenance and renewal of 4-quadrant
2 gate vehicle detection systems located at non-high speed rail
3 grade crossings. The Commission shall not order more than
4 \$2,000,000 per year in Grade Crossing Protection Fund moneys
5 for pedestrian walkways. In entering orders for projects for
6 which payments from the Grade Crossing Protection Fund will be
7 made, the Commission shall account for expenditures authorized
8 by the orders on a cash rather than an accrual basis. For
9 purposes of this requirement an "accrual basis" assumes that
10 the total cost of the project is expended in the fiscal year in
11 which the order is entered, while a "cash basis" allocates the
12 cost of the project among fiscal years as expenditures are
13 actually made. To meet the requirements of this subsection, the
14 Illinois Commerce Commission shall develop annual and 5-year
15 project plans of rail crossing capital improvements that will
16 be paid for with moneys from the Grade Crossing Protection
17 Fund. The annual project plan shall identify projects for the
18 succeeding fiscal year and the 5-year project plan shall
19 identify projects for the 5 directly succeeding fiscal years.
20 The Commission shall submit the annual and 5-year project plans
21 for this Fund to the Governor, the President of the Senate, the
22 Senate Minority Leader, the Speaker of the House of
23 Representatives, and the Minority Leader of the House of
24 Representatives on the first Wednesday in April of each year;

25 (d) of the amount remaining after allocations provided for
26 in subsections (a), (b) and (c), a sufficient amount shall be

1 reserved to pay all of the following:

2 (1) the costs of the Department of Revenue in
3 administering this Act;

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

8 (3) refunds provided for in Section 13, refunds for
9 overpayment of decal fees paid under Section 13a.4 of this
10 Act, and refunds provided for under the terms of the
11 International Fuel Tax Agreement referenced in Section
12 14a;

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

1 thereafter as may be practical, and \$15,000,000 on July 1
2 and October 1, or as soon thereafter as may be practical,
3 during the period of July 1, 2013 through June 30, 2015,
4 for the administration of the Vehicle Emissions Inspection
5 Law of 2005, to be transferred by the State Comptroller and
6 Treasurer from the Motor Fuel Tax Fund into the Vehicle
7 Inspection Fund;

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

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

16 (e) after allocations for the purposes set forth in
17 subsections (a), (b), (c) and (d), the remaining amount shall
18 be apportioned as follows:

19 (1) Until January 1, 2000, 58.4%, and beginning January
20 1, 2000, 45.6% shall be deposited as follows:

21 (A) 37% into the State Construction Account Fund,
22 and

23 (B) 63% into the Road Fund, \$1,250,000 of which
24 shall be reserved each month for the Department of
25 Transportation to be used in accordance with the
26 provisions of Sections 6-901 through 6-906 of the

1 Illinois Highway Code;

2 (2) Until January 1, 2000, 41.6%, and beginning January
3 1, 2000, 54.4% shall be transferred to the Department of
4 Transportation to be distributed as follows:

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

6 (B) 16.74% to the counties of the State having
7 1,000,000 or more inhabitants,

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

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

11 As soon as may be after the first day of each month the
12 Department of Transportation shall allot to each municipality
13 its share of the amount apportioned to the several
14 municipalities which shall be in proportion to the population
15 of such municipalities as determined by the last preceding
16 municipal census if conducted by the Federal Government or
17 Federal census. If territory is annexed to any municipality
18 subsequent to the time of the last preceding census the
19 corporate authorities of such municipality may cause a census
20 to be taken of such annexed territory and the population so
21 ascertained for such territory shall be added to the population
22 of the municipality as determined by the last preceding census
23 for the purpose of determining the allotment for that
24 municipality. If the population of any municipality was not
25 determined by the last Federal census preceding any
26 apportionment, the apportionment to such municipality shall be

1 in accordance with any census taken by such municipality. Any
2 municipal census used in accordance with this Section shall be
3 certified to the Department of Transportation by the clerk of
4 such municipality, and the accuracy thereof shall be subject to
5 approval of the Department which may make such corrections as
6 it ascertains to be necessary.

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

22 As soon as may be after the first day of each month, the
23 Department of Transportation shall allot to the several
24 counties their share of the amount apportioned for the use of
25 road districts. The allotment shall be apportioned among the
26 several counties in the State in the proportion which the total

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

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

18 Notwithstanding any other provision of law, beginning on
19 July 1, 2018, no municipality, county, or road district that
20 received distributions under this subsection (e) totaling more
21 than \$1,000,000 in the previous State fiscal year shall receive
22 any funds under this subsection (e) unless that municipality,
23 county, or road district implements a business enterprise
24 program setting goals for the inclusion of minority, veteran,
25 and female-owned businesses in the procurement of contracts.
26 Those programs shall (i) cover both professional services and

1 construction procurement and (ii) be substantially similar to
2 the State's business enterprise program for the region in which
3 the municipality, county, or road district is located. The
4 Department of Transportation shall prepare a list of all
5 affected municipalities, counties, and road districts and
6 shall publish the list on its website.

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

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

15 Prior to 2011, if a township has transferred to the road
16 and bridge fund money which, when added to the amount of any
17 tax levy of the road district would be the equivalent of a tax
18 levy requiring extension at a rate of at least .08%, 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 transfer, together with any such tax
22 levy, shall be deemed a proper compliance with this Section and
23 shall qualify the road district for an allotment under this
24 Section.

25 In counties in which a property tax extension limitation is
26 imposed under the Property Tax Extension Limitation Law, road

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

19 As used in this Section the term "road district" means any
20 road district, including a county unit road district, provided
21 for by the Illinois Highway Code; and the term "township or
22 district road" means any road in the township and district road
23 system as defined in the Illinois Highway Code. For the
24 purposes of this Section, "township or district road" also
25 includes such roads as are maintained by park districts, forest
26 preserve districts and conservation districts. The Department

1 of Transportation shall determine the mileage of all township
2 and district roads for the purposes of making allotments and
3 allocations of motor fuel tax funds for use in road districts.

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

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

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