

1 AN ACT concerning finances.

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

4 Section 5. The State Finance Act is amended by changing  
5 Section 8.3 as follows:

6 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

7 Sec. 8.3. Money in the Road Fund shall, if and when the  
8 State of Illinois incurs any bonded indebtedness for the  
9 construction of permanent highways, be set aside and used for  
10 the purpose of paying and discharging annually the principal  
11 and interest on that bonded indebtedness then due and  
12 payable, and for no other purpose. The surplus, if any, in  
13 the Road Fund after the payment of principal and interest on  
14 that bonded indebtedness then annually due shall be used as  
15 follows:

16 first -- to pay the cost of administration of  
17 Chapters 2 through 10 of the Illinois Vehicle Code,  
18 except the cost of administration of Articles I and II of  
19 Chapter 3 of that Code; and

20 secondly -- for expenses of the Department of  
21 Transportation for construction, reconstruction,  
22 improvement, repair, maintenance, operation, and  
23 administration of highways in accordance with the  
24 provisions of laws relating thereto, or for any purpose  
25 related or incident to and connected therewith, including  
26 the separation of grades of those highways with railroads  
27 and with highways and including the payment of awards  
28 made by the Industrial Commission under the terms of the  
29 Workers' Compensation Act or Workers' Occupational  
30 Diseases Act for injury or death of an employee of the  
31 Division of Highways in the Department of Transportation;

1 or for the acquisition of land and the erection of  
2 buildings for highway purposes, including the acquisition  
3 of highway right-of-way or for investigations to  
4 determine the reasonably anticipated future highway  
5 needs; or for making of surveys, plans, specifications  
6 and estimates for and in the construction and maintenance  
7 of flight strips and of highways necessary to provide  
8 access to military and naval reservations, to defense  
9 industries and defense-industry sites, and to the sources  
10 of raw materials and for replacing existing highways and  
11 highway connections shut off from general public use at  
12 military and naval reservations and defense-industry  
13 sites, or for the purchase of right-of-way, except that  
14 the State shall be reimbursed in full for any expense  
15 incurred in building the flight strips; or for the  
16 operating and maintaining of highway garages; or for  
17 patrolling and policing the public highways and  
18 conserving the peace; or for any of those purposes or any  
19 other purpose that may be provided by law.

20 Appropriations for any of those purposes are payable from  
21 the Road Fund. Appropriations may also be made from the Road  
22 Fund for the administrative expenses of any State agency that  
23 are related to motor vehicles or arise from the use of motor  
24 vehicles.

25 Beginning with fiscal year 1980 and thereafter, no Road  
26 Fund monies shall be appropriated to the following  
27 Departments or agencies of State government for  
28 administration, grants, or operations; but this limitation is  
29 not a restriction upon appropriating for those purposes any  
30 Road Fund monies that are eligible for federal reimbursement;

- 31 1. Department of Public Health;
- 32 2. Department of Transportation, only with respect  
33 to subsidies for one-half fare Student Transportation and  
34 Reduced Fare for Elderly;

1           3. Department of Central Management Services,  
2           except for expenditures incurred for group insurance  
3           premiums of appropriate personnel;

4           4. Judicial Systems and Agencies.

5           Beginning with fiscal year 1981 and thereafter, no Road  
6           Fund monies shall be appropriated to the following  
7           Departments or agencies of State government for  
8           administration, grants, or operations; but this limitation is  
9           not a restriction upon appropriating for those purposes any  
10          Road Fund monies that are eligible for federal reimbursement:

11           1. Department of State Police, except for  
12           expenditures with respect to the Division of Operations;

13           2. Department of Transportation, only with respect  
14           to Intercity Rail Subsidies and Rail Freight Services.

15          Beginning with fiscal year 1982 and thereafter, no Road  
16          Fund monies shall be appropriated to the following  
17          Departments or agencies of State government for  
18          administration, grants, or operations; but this limitation is  
19          not a restriction upon appropriating for those purposes any  
20          Road Fund monies that are eligible for federal reimbursement:  
21          Department of Central Management Services, except for awards  
22          made by the Industrial Commission under the terms of the  
23          Workers' Compensation Act or Workers' Occupational Diseases  
24          Act for injury or death of an employee of the Division of  
25          Highways in the Department of Transportation.

26          Beginning with fiscal year 1984 and thereafter, no Road  
27          Fund monies shall be appropriated to the following  
28          Departments or agencies of State government for  
29          administration, grants, or operations; but this limitation is  
30          not a restriction upon appropriating for those purposes any  
31          Road Fund monies that are eligible for federal reimbursement:

32           1. Department of State Police, except not more than  
33           40% of the funds appropriated for the Division of  
34           Operations;

1           2. State Officers.

2           Beginning with fiscal year 1984 and thereafter, no Road  
3 Fund monies shall be appropriated to any Department or agency  
4 of State government for administration, grants, or operations  
5 except as provided hereafter; but this limitation is not a  
6 restriction upon appropriating for those purposes any Road  
7 Fund monies that are eligible for federal reimbursement. It  
8 shall not be lawful to circumvent the above appropriation  
9 limitations by governmental reorganization or other methods.  
10 Appropriations shall be made from the Road Fund only in  
11 accordance with the provisions of this Section.

12           Money in the Road Fund shall, if and when the State of  
13 Illinois incurs any bonded indebtedness for the construction  
14 of permanent highways, be set aside and used for the purpose  
15 of paying and discharging during each fiscal year the  
16 principal and interest on that bonded indebtedness as it  
17 becomes due and payable as provided in the Transportation  
18 Bond Act, and for no other purpose. The surplus, if any, in  
19 the Road Fund after the payment of principal and interest on  
20 that bonded indebtedness then annually due shall be used as  
21 follows:

22           first -- to pay the cost of administration of  
23 Chapters 2 through 10 of the Illinois Vehicle Code; and  
24           secondly -- no Road Fund monies derived from fees,  
25 excises, or license taxes relating to registration,  
26 operation and use of vehicles on public highways or to  
27 fuels used for the propulsion of those vehicles, shall be  
28 appropriated or expended other than for costs of  
29 administering the laws imposing those fees, excises, and  
30 license taxes, statutory refunds and adjustments allowed  
31 thereunder, administrative costs of the Department of  
32 Transportation, payment of debts and liabilities incurred  
33 in construction and reconstruction of public highways and  
34 bridges, acquisition of rights-of-way for and the cost of

1 construction, reconstruction, maintenance, repair, and  
2 operation of public highways and bridges under the  
3 direction and supervision of the State, political  
4 subdivision, or municipality collecting those monies, and  
5 the costs for patrolling and policing the public highways  
6 (by State, political subdivision, or municipality  
7 collecting that money) for enforcement of traffic laws.  
8 The separation of grades of such highways with railroads  
9 and costs associated with protection of at-grade highway  
10 and railroad crossing shall also be permissible.

11 Appropriations for any of such purposes are payable from  
12 the Road Fund or the Grade Crossing Protection Fund as  
13 provided in Section 8 of the Motor Fuel Tax Law.

14 Except as provided in this paragraph, beginning with  
15 fiscal year 1991 and thereafter, no Road Fund monies shall be  
16 appropriated to the Department of State Police for the  
17 purposes of this Section in excess of its total fiscal year  
18 1990 Road Fund appropriations for those purposes unless  
19 otherwise provided in Section 5g of this Act. For fiscal  
20 years 2003 and 2004 only, no Road Fund monies shall be  
21 appropriated to the Department of State Police for the  
22 purposes of this Section in excess of \$97,310,000. It shall  
23 not be lawful to circumvent this limitation on appropriations  
24 by governmental reorganization or other methods unless  
25 otherwise provided in Section 5g of this Act.

26 In fiscal year 1994, no Road Fund monies shall be  
27 appropriated to the Secretary of State for the purposes of  
28 this Section in excess of the total fiscal year 1991 Road  
29 Fund appropriations to the Secretary of State for those  
30 purposes, plus \$9,800,000. It shall not be lawful to  
31 circumvent this limitation on appropriations by governmental  
32 reorganization or other method.

33 Beginning with fiscal year 1995 and thereafter, no Road  
34 Fund monies shall be appropriated to the Secretary of State

1 for the purposes of this Section in excess of the total  
 2 fiscal year 1994 Road Fund appropriations to the Secretary of  
 3 State for those purposes. It shall not be lawful to  
 4 circumvent this limitation on appropriations by governmental  
 5 reorganization or other methods.

6 Beginning with fiscal year 2000, total Road Fund  
 7 appropriations to the Secretary of State for the purposes of  
 8 this Section shall not exceed the amounts specified for the  
 9 following fiscal years:

10	Fiscal Year 2000	\$80,500,000;
11	Fiscal Year 2001	\$80,500,000;
12	Fiscal Year 2002	\$80,500,000;
13	Fiscal Year 2003	\$130,500,000;
14	Fiscal Year 2004	\$130,500,000;
15	Fiscal Year 2005 and	
16	<del>each-year-thereafter</del>	<del>\$30,500,000;</del>
17	<u>Fiscal year 2006</u>	<u>\$20,000,000;</u>
18	<u>Fiscal year 2007</u>	<u>\$10,000,000;</u>
19	<u>Fiscal year 2008 and</u>	
20	<u>each year thereafter</u>	<u>\$0.</u>

21 It shall not be lawful to circumvent this limitation on  
 22 appropriations by governmental reorganization or other  
 23 methods.

24 No new program may be initiated in fiscal year 1991 and  
 25 thereafter that is not consistent with the limitations  
 26 imposed by this Section for fiscal year 1984 and thereafter,  
 27 insofar as appropriation of Road Fund monies is concerned.

28 Nothing in this Section prohibits transfers from the Road  
 29 Fund to the State Construction Account Fund under Section 5e  
 30 of this Act; nor to the General Revenue Fund, as authorized  
 31 by this amendatory Act of the 93rd General Assembly.

32 The additional amounts authorized for expenditure in this  
 33 Section by this amendatory Act of the 92nd General Assembly  
 34 shall be repaid to the Road Fund from the General Revenue

1 Fund in the next succeeding fiscal year that the General  
2 Revenue Fund has a positive budgetary balance, as determined  
3 by generally accepted accounting principles applicable to  
4 government.

5 The additional amounts authorized for expenditure by the  
6 Secretary of State and the Department of State Police in this  
7 Section by this amendatory Act of the 93rd General Assembly  
8 shall be repaid to the Road Fund from the General Revenue  
9 Fund in the next succeeding fiscal year that the General  
10 Revenue Fund has a positive budgetary balance, as determined  
11 by generally accepted accounting principles applicable to  
12 government.

13 Beginning with fiscal year 2005 and thereafter, no Road  
14 Fund moneys may be appropriated to the Department of Central  
15 Management Services, the Department of Employment Security,  
16 the Department of Revenue, the Court of Claims, or any other  
17 State agency (other than the Department of State Police and  
18 the Department of Transportation and, until fiscal year 2008,  
19 the Secretary of State) for the purposes of this Section.  
20 Appropriations to those entities for those purposes shall,  
21 instead, be made from the General Revenue Fund. It shall not  
22 be lawful to circumvent this limitation on appropriations by  
23 governmental reorganization or other methods. Nothing in  
24 this paragraph prohibits appropriations from the Road Fund to  
25 the Department of State Police for the purposes of the  
26 highway patrol budget only.

27 Beginning with fiscal year 2008 and thereafter, no Road  
28 Fund moneys may be appropriated to the Secretary of State for  
29 the purposes of this Section. Appropriations to the  
30 Secretary of State for those purposes shall, instead, be made  
31 from the General Revenue Fund. It shall not be lawful to  
32 circumvent this limitation on appropriations by governmental  
33 reorganization or other methods.

34 (Source: P.A. 92-600, eff. 6-28-02; 93-25, eff. 6-20-03.)

1           Section 99.   Effective date.  This Act takes effect on  
2   July 1, 2004.