



Rep. Dave Winters

Filed: 03/29/04

09300HB4195ham001

LRB093 19099 BDD 48682 a

1 AMENDMENT TO HOUSE BILL 4195

2 AMENDMENT NO. _____. Amend House Bill 4195 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 Section 8a, subdivision
8 (h) (1) of Section 12a, Section 13a.6, and items 13, 14, 15, and
9 16 of Section 15, all money received by the Department under
10 this Act, including payments made to the Department by member
11 jurisdictions participating in the International Fuel Tax
12 Agreement, shall be deposited in a special fund in the State
13 treasury, to be known as the "Motor Fuel Tax Fund", and shall
14 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
17 Act shall be transferred to the State Construction Account Fund
18 in the State Treasury;

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

23 (c) \$2,250,000 shall be transferred each month to the Grade
24 Crossing Protection Fund to be used as follows: not less than

1 \$6,000,000 each fiscal year shall be used for the construction
2 or reconstruction of rail highway grade separation structures;
3 \$2,250,000 in fiscal year 2004 and each fiscal year thereafter
4 shall be transferred to the Transportation Regulatory Fund and
5 shall be accounted for as part of the rail carrier portion of
6 such funds and shall be used to pay the cost of administration
7 of the Illinois Commerce Commission's railroad safety program
8 in connection with its duties under subsection (3) of Section
9 18c-7401 of the Illinois Vehicle Code, with the remainder to be
10 used by the Department of Transportation upon order of the
11 Illinois Commerce Commission, to pay that part of the cost
12 apportioned by such Commission to the State to cover the
13 interest of the public in the use of highways, roads, streets,
14 or pedestrian walkways in the county highway system, township
15 and district road system, or municipal street system as defined
16 in the Illinois Highway Code, as the same may from time to time
17 be amended, for separation of grades, for installation,
18 construction or reconstruction of crossing protection or
19 reconstruction, alteration, relocation including construction
20 or improvement of any existing highway necessary for access to
21 property or improvement of any grade crossing including the
22 necessary highway approaches thereto of any railroad across the
23 highway or public road, or for the installation, construction,
24 reconstruction, or maintenance of a pedestrian walkway over or
25 under a railroad right-of-way, as provided for in and in
26 accordance with Section 18c-7401 of the Illinois Vehicle Code.
27 The Commission shall not order more than \$2,000,000 per year in
28 Grade Crossing Protection Fund moneys for pedestrian walkways.
29 In entering orders for projects for which payments from the
30 Grade Crossing Protection Fund will be made, the Commission
31 shall account for expenditures authorized by the orders on a
32 cash rather than an accrual basis. For purposes of this
33 requirement an "accrual basis" assumes that the total cost of
34 the project is expended in the fiscal year in which the order

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

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

18 (1) the costs of the Department of Revenue in
19 administering this Act;

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

24 (3) refunds provided for in Section 13 of this Act and
25 under the terms of the International Fuel Tax Agreement
26 referenced in Section 14a;

27 (4) from October 1, 1985 until June 30, 1994, the
28 administration of the Vehicle Emissions Inspection Law,
29 which amount shall be certified monthly by the
30 Environmental Protection Agency to the State Comptroller
31 and shall promptly be transferred by the State Comptroller
32 and Treasurer from the Motor Fuel Tax Fund to the Vehicle
33 Inspection Fund, and for the period July 1, 1994 through
34 June 30, 2000, one-twelfth of \$25,000,000 each month, for

1 the period July 1, 2000 through June 30, 2003, one-twelfth
2 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,
3 and \$15,000,000 on January 1 and \$15,000,000 on July 1 of
4 each calendar year for the period January 1, 2004 through
5 June 30, 2006, for the administration of the Vehicle
6 Emissions Inspection Law of 1995, to be transferred by the
7 State Comptroller and Treasurer from the Motor Fuel Tax
8 Fund into the Vehicle Inspection Fund;

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

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

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

20 (1) Until January 1, 2000, 58.4%, and beginning January
21 1, 2000, 45.6% shall be deposited as follows:

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

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

29 (2) Until January 1, 2000, 41.6%, and beginning January
30 1, 2000, 54.4% shall be transferred to the Department of
31 Transportation to be distributed as follows:

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

33 (B) 16.74% to the counties of the State having
34 1,000,000 or more inhabitants,

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

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

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

26 As soon as may be after the first day of each month the
27 Department of Transportation shall allot to each county its
28 share of the amount apportioned to the several counties of the
29 State as herein provided. Each allotment to the several
30 counties having less than 1,000,000 inhabitants shall be in
31 proportion to the amount of motor vehicle license fees received
32 from the residents of such counties, respectively, during the
33 preceding calendar year. The Secretary of State shall, on or
34 before April 15 of each year, transmit to the Department of

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

7 As soon as may be after the first day of each month, the
8 Department of Transportation shall allot to the several
9 counties their share of the amount apportioned for the use of
10 road districts. The allotment shall be apportioned among the
11 several counties in the State in the proportion which the total
12 mileage of township or district roads in the respective
13 counties bears to the total mileage of all township and
14 district roads in the State. Funds allotted to the respective
15 counties for the use of road districts therein shall be
16 allocated to the several road districts in the county in the
17 proportion which the total mileage of such township or district
18 roads in the respective road districts bears to the total
19 mileage of all such township or district roads in the county.

20 After July 1 of any year prior to 2004, no allocation shall
21 be made for any road district unless it levied a tax for road
22 and bridge purposes in an amount which will require the
23 extension of such tax against the taxable property in any such
24 road district at a rate of not less than either .08% of the
25 value thereof, based upon the assessment for the year
26 immediately prior to the year in which such tax was levied and
27 as equalized by the Department of Revenue or, in DuPage County,
28 an amount equal to or greater than \$12,000 per mile of road
29 under the jurisdiction of the road district, whichever is less.
30 Beginning July 1, 2004 and each July 1 thereafter, an
31 allocation shall be made for any road district if it levied a
32 tax for road and bridge purposes. If the amount of the tax
33 levy, however, requires the extension of the tax against the
34 taxable property in the road district at a rate that is less

1 than .08% of the value thereof, based upon the assessment for
2 the year immediately prior to the year in which the tax was
3 levied and as equalized by the Department of Revenue, then the
4 amount of the allocation for the road district shall be a
5 percentage of the maximum allocation equal to the percentage
6 obtained by dividing the rate extended by the district by
7 0.08%. In DuPage County, however, if the road district levies a
8 tax for road and bridge purposes in an amount which will
9 require the extension of such tax in an amount (i) equal to or
10 greater than \$12,000 per mile of road under the jurisdiction of
11 the road district, then the road district is entitled to a full
12 allocation under this Section or (ii) less than \$12,000 per
13 such mile, then the allocation for the road district shall be
14 the greater of (A) a percentage of the maximum allocation equal
15 to the percentage obtained by dividing the dollar amount per
16 such mile by \$12,000 or (B) the allocation determined under the
17 preceding sentence.

18 Prior to 2004, if ~~if~~ any road district has levied a special
19 tax for road purposes pursuant to Sections 6-601, 6-602 and
20 6-603 of the Illinois Highway Code, and such tax was levied in
21 an amount which would require extension at a rate of not less
22 than .08% of the value of the taxable property thereof, 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, such levy shall, however, be deemed a proper
27 compliance with this Section and shall qualify such road
28 district for an allotment under this Section. Beginning in 2004
29 and thereafter, if any road district has levied a special tax
30 for road purposes under Sections 6-601, 6-602, and 6-603 of the
31 Illinois Highway Code, and the tax was levied in an amount that
32 would require extension at a rate of not less than .08% of the
33 value of the taxable property thereof, as equalized or assessed
34 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, that levy
3 shall be deemed a proper compliance with this Section and shall
4 qualify such road district for a full, rather than
5 proportionate, allotment under this Section. If the levy for
6 the special tax is less than 0.08% of the value of the taxable
7 property or, in DuPage county, an amount less than \$12,000 per
8 mile of road under the jurisdiction of the road district and if
9 the levy for the special tax is more than any other levy for
10 road and bridge purposes, then the levy for the special tax
11 qualifies the road district for a proportionate, rather than
12 full, allotment under this Section. If the levy for the special
13 tax is equal to or less than any other levy for road and bridge
14 purposes, then any allotment under this Section shall be
15 determined by the other levy for road and bridge purposes.

16 Prior to 2004, if ~~if~~ a township has transferred to the road
17 and bridge fund money which, when added to the amount of any
18 tax levy of the road district would be the equivalent of a tax
19 levy requiring extension at a rate of at least .08%, or, in
20 DuPage County, an amount equal to or greater than \$12,000 per
21 mile of road under the jurisdiction of the road district,
22 whichever is less, such transfer, together with any such tax
23 levy, shall be deemed a proper compliance with this Section and
24 shall qualify the road district for an allotment under this
25 Section. Beginning in 2004 and thereafter, if a township has
26 transferred to the road and bridge fund money which, when added
27 to the amount of any tax levy of the road district would be the
28 equivalent of a tax levy requiring extension at a rate of at
29 least .08% or, in DuPage County, an amount equal to or greater
30 than \$12,000 per mile of road under the jurisdiction of the
31 road district, whichever is less, then the transfer, together
32 with any such tax levy, shall be deemed a proper compliance
33 with this Section and shall qualify the road district for a
34 full, rather than proportionate, allotment under this Section.

1 In counties in which a property tax extension limitation is
2 imposed under the Property Tax Extension Limitation Law, road
3 districts may retain their entitlement to a motor fuel tax
4 allotment or, beginning in 2004, their entitlement to a full
5 allotment if, at the time the property tax extension limitation
6 was imposed, the road district was levying a road and bridge
7 tax at a rate sufficient to entitle it to a motor fuel tax
8 allotment and continues to levy the maximum allowable amount
9 after the imposition of the property tax extension limitation.
10 Any road district may in all circumstances retain its
11 entitlement to a motor fuel tax allotment or, beginning in
12 2004, its entitlement to a full allotment if it levied a road
13 and bridge tax in an amount that will require the extension of
14 the tax against the taxable property in the road district at a
15 rate of not less than 0.08% of the assessed value of the
16 property, based upon the assessment for the year immediately
17 preceding the year in which the tax was levied and as equalized
18 by the Department of Revenue or, in DuPage County, an amount
19 equal to or greater than \$12,000 per mile of road under the
20 jurisdiction of the road district, whichever is less.

21 As used in this Section the term "road district" means any
22 road district, including a county unit road district, provided
23 for by the Illinois Highway Code; and the term "township or
24 district road" means any road in the township and district road
25 system as defined in the Illinois Highway Code. For the
26 purposes of this Section, "road district" also includes park
27 districts, forest preserve districts and conservation
28 districts organized under Illinois law and "township or
29 district road" also includes such roads as are maintained by
30 park districts, forest preserve districts and conservation
31 districts. The Department of Transportation shall determine
32 the mileage of all township and district roads for the purposes
33 of making allotments and allocations of motor fuel tax funds
34 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. 92-16, eff. 6-28-01; 92-30, eff. 7-1-01; 93-32,
8 eff. 6-20-03.)

9 Section 99. Effective date. This Act takes effect on July
10 1, 2004."