



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB3781**

Introduced 2/25/2005, by Rep. Charles E. Jefferson

**SYNOPSIS AS INTRODUCED:**

30 ILCS 105/8.3

from Ch. 127, par. 144.3

Amends the State Finance Act. Provides that for fiscal years 2006 and thereafter appropriations from the Road Fund to the Department of State Police may not exceed \$45,000,000, and appropriations from the Road Fund to the Secretary of State may not exceed \$30,000,000. Effective immediately.

LRB094 08277 BDD 38466 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning finance.

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 payable,  
12 and for no other purpose. The surplus, if any, in the Road Fund  
13 after the payment of principal and interest on that bonded  
14 indebtedness then annually due shall be used as follows:

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

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

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

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

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

30 1. Department of Public Health;

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

34 3. Department of Central Management Services, except  
35 for expenditures incurred for group insurance premiums of  
36 appropriate personnel;

1           4. Judicial Systems and Agencies.

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

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

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

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

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

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

31          2. State Officers.

32          Beginning with fiscal year 1984 and thereafter, no Road  
33 Fund monies shall be appropriated to any Department or agency  
34 of State government for administration, grants, or operations  
35 except as provided hereafter; but this limitation is not a  
36 restriction upon appropriating for those purposes any Road Fund

1 monies that are eligible for federal reimbursement. It shall  
2 not be lawful to circumvent the above appropriation limitations  
3 by governmental reorganization or other methods.  
4 Appropriations shall be made from the Road Fund only in  
5 accordance with the provisions of this Section.

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

15 first -- to pay the cost of administration of Chapters  
16 2 through 10 of the Illinois Vehicle Code; and

17 secondly -- no Road Fund monies derived from fees,  
18 excises, or license taxes relating to registration,  
19 operation and use of vehicles on public highways or to  
20 fuels used for the propulsion of those vehicles, shall be  
21 appropriated or expended other than for costs of  
22 administering the laws imposing those fees, excises, and  
23 license taxes, statutory refunds and adjustments allowed  
24 thereunder, administrative costs of the Department of  
25 Transportation, including, but not limited to, the  
26 operating expenses of the Department relating to the  
27 administration of public transportation programs, payment  
28 of debts and liabilities incurred in construction and  
29 reconstruction of public highways and bridges, acquisition  
30 of rights-of-way for and the cost of construction,  
31 reconstruction, maintenance, repair, and operation of  
32 public highways and bridges under the direction and  
33 supervision of the State, political subdivision, or  
34 municipality collecting those monies, and the costs for  
35 patrolling and policing the public highways (by State,  
36 political subdivision, or municipality collecting that

1 money) for enforcement of traffic laws. The separation of  
2 grades of such highways with railroads and costs associated  
3 with protection of at-grade highway and railroad crossing  
4 shall also be permissible.

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

8 Except as provided in this paragraph, beginning with fiscal  
9 year 1991 and through fiscal year 2002 ~~thereafter~~, no Road Fund  
10 monies shall be appropriated to the Department of State Police  
11 for the purposes of this Section in excess of its total fiscal  
12 year 1990 Road Fund appropriations for those purposes unless  
13 otherwise provided in Section 5g of this Act. For fiscal years  
14 2003, 2004, and 2005 only, no Road Fund monies shall be  
15 appropriated to the Department of State Police for the purposes  
16 of this Section in excess of \$97,310,000. For fiscal years 2006  
17 and thereafter, no Road Fund monies shall be appropriated to  
18 the Department of State Police for the purposes of this Section  
19 in excess of \$45,000,000. It shall not be lawful to circumvent  
20 this limitation on appropriations by governmental  
21 reorganization or other methods unless otherwise provided in  
22 Section 5g of this Act.

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

30 Beginning with fiscal year 1995 and thereafter, no Road  
31 Fund monies shall be appropriated to the Secretary of State for  
32 the purposes of this Section in excess of the total fiscal year  
33 1994 Road Fund appropriations to the Secretary of State for  
34 those purposes. It shall not be lawful to circumvent this  
35 limitation on appropriations by governmental reorganization or  
36 other methods.

1 Beginning with fiscal year 2000, total Road Fund  
2 appropriations to the Secretary of State for the purposes of  
3 this Section shall not exceed the amounts specified for the  
4 following fiscal years:

5	Fiscal Year 2000	\$80,500,000;
6	Fiscal Year 2001	\$80,500,000;
7	Fiscal Year 2002	\$80,500,000;
8	Fiscal Year 2003	\$130,500,000;
9	Fiscal Year 2004	\$130,500,000;
10	Fiscal Year 2005	\$130,500,000;
11	Fiscal Year 2006 and	
12	each year thereafter	<u>\$30,000,000</u>
13	<del>\$30,500,000.</del>	

14 It shall not be lawful to circumvent this limitation on  
15 appropriations by governmental reorganization or other  
16 methods.

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

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

25 The additional amounts authorized for expenditure in this  
26 Section by Public Acts 92-0600 and 93-0025 shall be repaid to  
27 the Road Fund from the General Revenue Fund in the next  
28 succeeding fiscal year that the General Revenue Fund has a  
29 positive budgetary balance, as determined by generally  
30 accepted accounting principles applicable to government.

31 The additional amounts authorized for expenditure by the  
32 Secretary of State and the Department of State Police in this  
33 Section by this amendatory Act of the 93rd General Assembly  
34 shall be repaid to the Road Fund from the General Revenue Fund  
35 in the next succeeding fiscal year that the General Revenue  
36 Fund has a positive budgetary balance, as determined by

1 generally accepted accounting principles applicable to  
2 government.

3 (Source: P.A. 92-600, eff. 6-28-02; 93-25, eff. 6-20-03;  
4 93-721, eff. 1-1-05; 93-839, eff. 7-30-04; revised 10-25-04.)