

**94TH GENERAL ASSEMBLY****State of Illinois****2005 and 2006****SB2988**

Introduced 1/20/2006, by Sen. Dave Syverson - William E. Peterson - Dan Cronin - Peter J. Roskam - Christine Radogno

**SYNOPSIS AS INTRODUCED:**

20 ILCS 2705/2705-212 new

30 ILCS 105/8.3

from Ch. 127, par. 144.3

Amends the Department of Transportation Law of the Civil Administrative Code of Illinois. Provides for the transfer of \$170,000,000 from the General Revenue Fund to the Road Fund in each of Fiscal Years 2007, 2008, and 2009. Directs the Department of Transportation to use this money to make grants to certain counties for the mitigation and relief of traffic congestion and for road or other transportation projects relating to business development. Bases eligibility for grants on county population growth and, for one class of grants, on county unemployment rates. Apportions 40% of available grant funds on the basis of county population; apportions 40% of available grant funds on the basis of population growth, and apportions 20% of available grant funds equally among eligible counties with high unemployment. Directs the Department to distribute the grants to the eligible counties as quickly as may be practical. Provides that an eligible county must establish its eligibility to the satisfaction of the Department, but need not specify the grant projects or other proposed uses of the grant at the time of application for the grant or before receiving the grant money. Amends the State Finance Act to exempt the grant funds from any limitations on the use of moneys from the Road Fund. Effective July 1, 2006.

LRB094 19190 EFG 54727 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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 2705-212 as follows:

7 (20 ILCS 2705/2705-212 new)

8 Sec. 2705-212. Grants to certain counties for road and  
9 traffic purposes.

10 (a) On each of July 1, 2006, July 1, 2007, and July 1,  
11 2008, or as soon after those dates as may be practical, the  
12 State Comptroller and Treasurer shall transfer the sum of  
13 \$170,000,000 from the General Revenue Fund to the Road Fund, to  
14 be used for the sole purpose of making grants under this  
15 Section.

16 (b) For the purposes of this Section:

17 (1) The term "eligible county" means any county that  
18 either:

19 (i) has a population of 250,000 or more and has  
20 experienced total population growth of 1.5% or more  
21 during the period 2000 through 2004, based on the  
22 latest population data available from the U.S. Census  
23 Bureau; or

24 (ii) has a population of less than 250,000 and has  
25 experienced total population growth of 20% or more  
26 during the period 2000 through 2004, based on the  
27 latest population data available from the U.S. Census  
28 Bureau.

29 (2) The term "high-unemployment eligible county" means  
30 an eligible county having an unemployment rate for the  
31 month of November, 2005 that is greater than or equal to  
32 the statewide average unemployment rate for that month,

1 based on data that is not seasonally adjusted, as  
2 determined and published by the Illinois Department of  
3 Employment Security.

4 (c) Subject to appropriation, in each of State fiscal years  
5 2007, 2008, and 2009, the Department of Transportation shall  
6 make grants to eligible counties of the amounts calculated in  
7 accordance with subsections (d), (e), and (f). The Department  
8 shall distribute these grants to the eligible counties as  
9 quickly as may be practical. An eligible county must establish  
10 its eligibility to the satisfaction of the Department, but need  
11 not specify the grant projects or other proposed uses of the  
12 grant at the time of application for the grant or before  
13 receiving the grant money.

14 (d) The Department shall apportion 40% of the money  
15 available for distribution under this Section in each fiscal  
16 year among all of the eligible counties, in the same proportion  
17 as the population of the county is to the total population of  
18 all eligible counties, based on the latest population data for  
19 the year 2004 available from the U.S. Census Bureau.

20 All grant money received under this subsection (d) must be  
21 used by the recipient county for the sole purpose of relieving  
22 and mitigating traffic congestion in the county.

23 (e) The Department shall apportion 40% of the money  
24 available for distribution under this Section in each fiscal  
25 year among all of the eligible counties, in the same proportion  
26 as the total growth in population of the county during the  
27 period 2000 through 2004 is to the sum of the total growth in  
28 population of all eligible counties during the period 2000  
29 through 2004, based on the latest population data available  
30 from the U.S. Census Bureau.

31 All grant money received under this subsection (e) must be  
32 used by the recipient county for the sole purpose of relieving  
33 and mitigating traffic congestion in the county.

34 (f) The Department shall apportion 20% of the money  
35 available for distribution under this Section in each fiscal  
36 year among all of the high-unemployment eligible counties, in

1 equal portions.

2 All grant money received under this subsection (f) must be  
3 used by the recipient county for one or both of the following  
4 purposes: (i) relieving and mitigating traffic congestion in  
5 the county, and (ii) road or other transportation projects  
6 relating to business development.

7 (g) The Department may adopt emergency rules as necessary  
8 to ensure the prompt implementation of this Section.

9 Section 10. The State Finance Act is amended by changing  
10 Section 8.3 as follows:

11 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

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

20 first -- to pay the cost of administration of Chapters  
21 2 through 10 of the Illinois Vehicle Code, except the cost  
22 of administration of Articles I and II of Chapter 3 of that  
23 Code; and

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

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

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

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

33 1. Department of Public Health;

34 2. Department of Transportation, only with respect to  
35 subsidies for one-half fare Student Transportation and  
36 Reduced Fare for Elderly;

1           3. Department of Central Management Services, except  
2           for expenditures incurred for group insurance premiums of  
3           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 Departments  
7           or agencies of State government for administration, grants, or  
8           operations; but this limitation is not a restriction upon  
9           appropriating for those purposes any Road Fund monies that are  
10          eligible for federal reimbursement:

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

13          2. Department of Transportation, only with respect to  
14          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 Departments  
17          or agencies of State government for administration, grants, or  
18          operations; but this limitation is not a restriction upon  
19          appropriating for those purposes any Road Fund monies that are  
20          eligible for federal reimbursement: Department of Central  
21          Management Services, except for awards made by the Illinois  
22          Workers' Compensation 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 Departments  
28          or agencies of State government for administration, grants, or  
29          operations; but this limitation is not a restriction upon  
30          appropriating for those purposes any Road Fund monies that are  
31          eligible for federal reimbursement:

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

34          2. State Officers.

35          Beginning with fiscal year 1984 and thereafter, no Road  
36          Fund monies shall be appropriated to any Department or agency

1 of State government for administration, grants, or operations  
2 except as provided hereafter; but this limitation is not a  
3 restriction upon appropriating for those purposes any Road Fund  
4 monies that are eligible for federal reimbursement. It shall  
5 not be lawful to circumvent the above appropriation limitations  
6 by governmental reorganization or other methods.  
7 Appropriations shall be made from the Road Fund only in  
8 accordance with the provisions of this Section.

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

18 first -- to pay the cost of administration of Chapters  
19 2 through 10 of the Illinois Vehicle Code; and

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

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

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

11 Except as provided in this paragraph, beginning with fiscal  
12 year 1991 and thereafter, no Road Fund monies shall be  
13 appropriated to the Department of State Police for the purposes  
14 of this Section in excess of its total fiscal year 1990 Road  
15 Fund appropriations for those purposes unless otherwise  
16 provided in Section 5g of this Act. For fiscal years 2003,  
17 2004, 2005, and 2006 only, no Road Fund monies shall be  
18 appropriated to the Department of State Police for the purposes  
19 of this Section in excess of \$97,310,000. It shall not be  
20 lawful to circumvent this limitation on appropriations by  
21 governmental reorganization or other methods unless otherwise  
22 provided in 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	\$130,500,000;
12	Fiscal Year 2007 and	
13	each year thereafter	\$30,500,000.

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, 93-0025, and 93-0839 shall be  
27 repaid to the Road Fund from the General Revenue Fund in the  
28 next 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 94th General Assembly and  
34 the 93rd General Assembly shall be repaid to the Road Fund from  
35 the General Revenue Fund in the next succeeding fiscal year  
36 that the General Revenue Fund has a positive budgetary balance,

1 as determined by generally accepted accounting principles  
2 applicable to government.

3 Notwithstanding the other provisions of this Section and  
4 any other provision of law, the money transferred into the Road  
5 Fund under Section 2705-212 of the Department of Transportation  
6 Law of the Civil Administrative Code of Illinois shall be  
7 appropriated to the Department of Transportation and expended  
8 by that Department for the sole purpose of making the grants  
9 referred to in that Section, and shall not be subject to any  
10 other limitations on the use of moneys from the Road Fund.

11 (Source: P.A. 93-25, eff. 6-20-03; 93-721, eff. 1-1-05; 93-839,  
12 eff. 7-30-04; 94-91, eff. 7-1-05.)

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