



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0515

Introduced 2/4/2009, by Rep. Jil Tracy

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/8.3  
30 ILCS 105/8h

from Ch. 127, par. 144.3

Amends the State Finance Act. Provides that no appropriations from the Road Fund may be made to any State agency (other than the Secretary of State, Department of State Police, and Department of Transportation) or the Court of Claims in FY10 or thereafter. Provides that no further transfers may be made from the Road Fund or the State Construction Account Fund to the General Revenue Fund. Effective immediately.

LRB096 07801 RCE 17904 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Sections 8.3 and 8h 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

1 related or incident to and connected therewith, including  
2 the separation of grades of those highways with railroads  
3 and with highways and including the payment of awards made  
4 by the Illinois Workers' Compensation Commission under the  
5 terms of the Workers' Compensation Act or Workers'  
6 Occupational Diseases Act for injury or death of an  
7 employee of the Division of Highways in the Department of  
8 Transportation; or for the acquisition of land and the  
9 erection of buildings for highway purposes, including the  
10 acquisition of highway right-of-way or for investigations  
11 to determine the reasonably anticipated future highway  
12 needs; or for making of surveys, plans, specifications and  
13 estimates for and in the construction and maintenance of  
14 flight strips and of highways necessary to provide access  
15 to military and naval reservations, to defense industries  
16 and defense-industry sites, and to the sources of raw  
17 materials and for replacing existing highways and highway  
18 connections shut off from general public use at military  
19 and naval reservations and defense-industry sites, or for  
20 the purchase of right-of-way, except that the State shall  
21 be reimbursed in full for any expense incurred in building  
22 the flight strips; or for the operating and maintaining of  
23 highway garages; or for patrolling and policing the public  
24 highways and conserving the peace; or for the operating  
25 expenses of the Department relating to the administration  
26 of public transportation programs; or for any of those

1 purposes or any other purpose that may be provided by law.

2 Appropriations for any of those purposes are payable from  
3 the Road Fund. Appropriations may also be made from the Road  
4 Fund for the administrative expenses of any State agency that  
5 are related to motor vehicles or arise from the use of motor  
6 vehicles.

7 Beginning with fiscal year 1980 and thereafter, no Road  
8 Fund monies shall be appropriated to the following Departments  
9 or agencies of State government for administration, grants, or  
10 operations; but this limitation is not a restriction upon  
11 appropriating for those purposes any Road Fund monies that are  
12 eligible for federal reimbursement;

13 1. Department of Public Health;

14 2. Department of Transportation, only with respect to  
15 subsidies for one-half fare Student Transportation and  
16 Reduced Fare for Elderly;

17 3. Department of Central Management Services, except  
18 for expenditures incurred for group insurance premiums of  
19 appropriate personnel;

20 4. Judicial Systems and Agencies.

21 Beginning with fiscal year 1981 and thereafter, no Road  
22 Fund monies shall be appropriated to the following Departments  
23 or agencies of State government for administration, grants, or  
24 operations; but this limitation is not a restriction upon  
25 appropriating for those purposes any Road Fund monies that are  
26 eligible for federal reimbursement:

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

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

5           Beginning with fiscal year 1982 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: Department of Central  
11          Management Services, except for awards made by the Illinois  
12          Workers' Compensation Commission under the terms of the  
13          Workers' Compensation Act or Workers' Occupational Diseases  
14          Act for injury or death of an employee of the Division of  
15          Highways in the Department of Transportation.

16          Beginning with fiscal year 1984 and thereafter, no Road  
17          Fund monies shall be appropriated to the following Departments  
18          or agencies of State government for administration, grants, or  
19          operations; but this limitation is not a restriction upon  
20          appropriating for those purposes any Road Fund monies that are  
21          eligible for federal reimbursement:

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

24               2. State Officers.

25          Beginning with fiscal year 1984 and thereafter, no Road  
26          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

1           thereunder, administrative costs of the Department of  
2           Transportation, including, but not limited to, the  
3           operating expenses of the Department relating to the  
4           administration of public transportation programs, payment  
5           of debts and liabilities incurred in construction and  
6           reconstruction of public highways and bridges, acquisition  
7           of rights-of-way for and the cost of construction,  
8           reconstruction, maintenance, repair, and operation of  
9           public highways and bridges under the direction and  
10          supervision of the State, political subdivision, or  
11          municipality collecting those monies, and the costs for  
12          patrolling and policing the public highways (by State,  
13          political subdivision, or municipality collecting that  
14          money) for enforcement of traffic laws. The separation of  
15          grades of such highways with railroads and costs associated  
16          with protection of at-grade highway and railroad crossing  
17          shall also be permissible.

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

21          Except as provided in this paragraph, beginning with fiscal  
22          year 1991 and thereafter, no Road Fund monies shall be  
23          appropriated to the Department of State Police for the purposes  
24          of this Section in excess of its total fiscal year 1990 Road  
25          Fund appropriations for those purposes unless otherwise  
26          provided in Section 5g of this Act. For fiscal years 2003,

1 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be  
2 appropriated to the Department of State Police for the purposes  
3 of this Section in excess of \$97,310,000. For fiscal year 2008  
4 only, no Road Fund monies shall be appropriated to the  
5 Department of State Police for the purposes of this Section in  
6 excess of \$106,100,000. For fiscal year 2009 only, no Road Fund  
7 monies shall be appropriated to the Department of State Police  
8 for the purposes of this Section in excess of \$114,700,000. It  
9 shall not be lawful to circumvent this limitation on  
10 appropriations by governmental reorganization or other methods  
11 unless otherwise provided in Section 5g of this Act.

12 In fiscal year 1994, no Road Fund monies shall be  
13 appropriated to the Secretary of State for the purposes of this  
14 Section in excess of the total fiscal year 1991 Road Fund  
15 appropriations to the Secretary of State for those purposes,  
16 plus \$9,800,000. It shall not be lawful to circumvent this  
17 limitation on appropriations by governmental reorganization or  
18 other method.

19 Beginning with fiscal year 1995 and thereafter, no Road  
20 Fund monies shall be appropriated to the Secretary of State for  
21 the purposes of this Section in excess of the total fiscal year  
22 1994 Road Fund appropriations to the Secretary of State for  
23 those purposes. It shall not be lawful to circumvent this  
24 limitation on appropriations by governmental reorganization or  
25 other methods.

26 Beginning with fiscal year 2000, total Road Fund



1 appropriations to the Secretary of State for the purposes of  
2 this Section shall not exceed the amounts specified for the  
3 following fiscal years:

4	Fiscal Year 2000	\$80,500,000;
5	Fiscal Year 2001	\$80,500,000;
6	Fiscal Year 2002	\$80,500,000;
7	Fiscal Year 2003	\$130,500,000;
8	Fiscal Year 2004	\$130,500,000;
9	Fiscal Year 2005	\$130,500,000;
10	Fiscal Year 2006	\$130,500,000;
11	Fiscal Year 2007	\$130,500,000;
12	Fiscal Year 2008	\$130,500,000;
13	Fiscal Year 2009	\$130,500,000;
14	Fiscal Year 2010 and each year thereafter	\$30,500,000.

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

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

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

26 The additional amounts authorized for expenditure in this

1 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91  
2 shall be repaid to the Road Fund from the General Revenue Fund  
3 in the next succeeding fiscal year that the General Revenue  
4 Fund has a positive budgetary balance, as determined by  
5 generally accepted accounting principles applicable to  
6 government.

7 Beginning with fiscal year 2010 and thereafter, no Road  
8 Fund moneys may be appropriated to the Department of Central  
9 Management Services, the Department of Employment Security,  
10 the Department of Revenue, the Court of Claims, or any other  
11 State agency (other than the Department of State Police and the  
12 Department of Transportation and the Secretary of State) for  
13 the purposes of this Section. Appropriations to those entities  
14 for those purposes shall, instead, be made from the General  
15 Revenue Fund. It shall not be lawful to circumvent this  
16 limitation on appropriations by governmental reorganization or  
17 other methods. Nothing in this paragraph prohibits  
18 appropriations from the Road Fund to the Department of State  
19 Police for the purposes of the highway patrol budget only.

20 The additional amounts authorized for expenditure by the  
21 Secretary of State and the Department of State Police in this  
22 Section by this amendatory Act of the 94th General Assembly  
23 shall be repaid to the Road Fund from the General Revenue Fund  
24 in the next succeeding fiscal year that the General Revenue  
25 Fund has a positive budgetary balance, as determined by  
26 generally accepted accounting principles applicable to

1 government.

2 (Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-707,  
3 eff. 1-11-08; 95-744, eff. 7-18-08.)

4 (30 ILCS 105/8h)

5 Sec. 8h. Transfers to General Revenue Fund.

6 (a) Except as otherwise provided in this Section and  
7 Section 8n of this Act, and notwithstanding any other State law  
8 to the contrary, the Governor may, through June 30, 2007, from  
9 time to time direct the State Treasurer and Comptroller to  
10 transfer a specified sum from any fund held by the State  
11 Treasurer to the General Revenue Fund in order to help defray  
12 the State's operating costs for the fiscal year. The total  
13 transfer under this Section from any fund in any fiscal year  
14 shall not exceed the lesser of (i) 8% of the revenues to be  
15 deposited into the fund during that fiscal year or (ii) an  
16 amount that leaves a remaining fund balance of 25% of the July  
17 1 fund balance of that fiscal year. In fiscal year 2005 only,  
18 prior to calculating the July 1, 2004 final balances, the  
19 Governor may calculate and direct the State Treasurer with the  
20 Comptroller to transfer additional amounts determined by  
21 applying the formula authorized in Public Act 93-839 to the  
22 funds balances on July 1, 2003. No transfer may be made from a  
23 fund under this Section that would have the effect of reducing  
24 the available balance in the fund to an amount less than the  
25 amount remaining unexpended and unreserved from the total

1 appropriation from that fund estimated to be expended for that  
2 fiscal year. This Section does not apply to any funds that are  
3 restricted by federal law to a specific use, to any funds in  
4 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the  
5 Hospital Provider Fund, the Medicaid Provider Relief Fund, the  
6 Teacher Health Insurance Security Fund, the Reviewing Court  
7 Alternative Dispute Resolution Fund, the Voters' Guide Fund,  
8 the Foreign Language Interpreter Fund, the Lawyers' Assistance  
9 Program Fund, the Supreme Court Federal Projects Fund, the  
10 Supreme Court Special State Projects Fund, the Supplemental  
11 Low-Income Energy Assistance Fund, the Good Samaritan Energy  
12 Trust Fund, the Low-Level Radioactive Waste Facility  
13 Development and Operation Fund, the Horse Racing Equity Trust  
14 Fund, the Metabolic Screening and Treatment Fund, or the  
15 Hospital Basic Services Preservation Fund, or to any funds to  
16 which Section 70-50 of the Nurse Practice Act applies. No  
17 transfers may be made under this Section from the Pet  
18 Population Control Fund. Notwithstanding any other provision  
19 of this Section, for fiscal year 2004, the total transfer under  
20 this Section from the Road Fund or the State Construction  
21 Account Fund shall not exceed the lesser of (i) 5% of the  
22 revenues to be deposited into the fund during that fiscal year  
23 or (ii) 25% of the beginning balance in the fund. For fiscal  
24 year 2005 through fiscal year 2007, no amounts may be  
25 transferred under this Section from the Road Fund, the State  
26 Construction Account Fund, the Criminal Justice Information

1 Systems Trust Fund, the Wireless Service Emergency Fund, or the  
2 Mandatory Arbitration Fund. No transfers may be made under this  
3 Section from the Road Fund or the State Construction Account  
4 Fund on or after the effective date of this amendatory Act of  
5 the 96th General Assembly.

6 In determining the available balance in a fund, the  
7 Governor may include receipts, transfers into the fund, and  
8 other resources anticipated to be available in the fund in that  
9 fiscal year.

10 The State Treasurer and Comptroller shall transfer the  
11 amounts designated under this Section as soon as may be  
12 practicable after receiving the direction to transfer from the  
13 Governor.

14 (a-5) Transfers directed to be made under this Section on  
15 or before February 28, 2006 that are still pending on May 19,  
16 2006 (the effective date of Public Act 94-774) shall be  
17 redirected as provided in Section 8n of this Act.

18 (b) This Section does not apply to: (i) the Ticket For The  
19 Cure Fund; (ii) any fund established under the Community Senior  
20 Services and Resources Act; or (iii) on or after January 1,  
21 2006 (the effective date of Public Act 94-511), the Child Labor  
22 and Day and Temporary Labor Enforcement Fund.

23 (c) This Section does not apply to the Demutualization  
24 Trust Fund established under the Uniform Disposition of  
25 Unclaimed Property Act.

26 (d) This Section does not apply to moneys set aside in the

1 Illinois State Podiatric Disciplinary Fund for podiatric  
2 scholarships and residency programs under the Podiatric  
3 Scholarship and Residency Act.

4 (e) Subsection (a) does not apply to, and no transfer may  
5 be made under this Section from, the Pension Stabilization  
6 Fund.

7 (f) Subsection (a) does not apply to, and no transfer may  
8 be made under this Section from, the Illinois Power Agency  
9 Operations Fund, the Illinois Power Agency Facilities Fund, the  
10 Illinois Power Agency Debt Service Fund, and the Illinois Power  
11 Agency Trust Fund.

12 (g) This Section does not apply to the Veterans Service  
13 Organization Reimbursement Fund.

14 (h) This Section does not apply to the Supreme Court  
15 Historic Preservation Fund.

16 (i) This Section does not apply to, and no transfer may be  
17 made under this Section from, the Money Follows the Person  
18 Budget Transfer Fund.

19 (Source: P.A. 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511,  
20 eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05;  
21 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff.  
22 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773,  
23 eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06;  
24 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-410, eff.  
25 8-24-07; 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639,  
26 eff. 10-5-07; 95-695, eff. 11-5-07; 95-744, eff. 7-18-08;

1 95-876, eff. 8-21-08.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.