

SB0143



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB0143

Introduced 1/27/2011, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

30 ILCS 105/8.3

from Ch. 127, par. 144.3

Amends the State Finance Act. Provides that 30% of the total amount deposited into the Road Fund shall be appropriated to the Department of Transportation to be used for projects in Cook County.

LRB097 06245 PJG 46320 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 Section 8.3 as follows:

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

7 Sec. 8.3. In a fiscal year, 30% of the total amount
8 deposited into the Road Fund shall be appropriated to the
9 Illinois Department of Transportation to be used for projects
10 in Cook County. The remainder of the money ~~Money~~ in the Road
11 Fund shall, if and when the State of Illinois incurs any bonded
12 indebtedness for the construction of permanent highways, be set
13 aside and used for the purpose of paying and discharging
14 annually the principal and interest on that bonded indebtedness
15 then due and payable, and for no other purpose. The surplus, if
16 any, in the Road Fund after the appropriation to the Illinois
17 Department of Transportation and the payment of principal and
18 interest on that bonded indebtedness then annually due shall be
19 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

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

1 the flight strips; or for the operating and maintaining of
2 highway garages; or for patrolling and policing the public
3 highways and conserving the peace; or for the operating
4 expenses of the Department relating to the administration
5 of public transportation programs; or for any of those
6 purposes or any other purpose that may be provided by law.

7 Appropriations for any of those purposes are payable from
8 the Road Fund. Appropriations may also be made from the Road
9 Fund for the administrative expenses of any State agency that
10 are related to motor vehicles or arise from the use of motor
11 vehicles.

12 Beginning with fiscal year 1980 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;

18 1. Department of Public Health;

19 2. Department of Transportation, only with respect to
20 subsidies for one-half fare Student Transportation and
21 Reduced Fare for Elderly;

22 3. Department of Central Management Services, except
23 for expenditures incurred for group insurance premiums of
24 appropriate personnel;

25 4. Judicial Systems and Agencies.

26 Beginning with fiscal year 1981 and thereafter, no Road

1 Fund monies shall be appropriated to the following Departments
2 or agencies of State government for administration, grants, or
3 operations; but this limitation is not a restriction upon
4 appropriating for those purposes any Road Fund monies that are
5 eligible for federal reimbursement:

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

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

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

21 Beginning with fiscal year 1984 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 not more than 40%
2 of the funds appropriated for the Division of Operations;

3 2. State Officers.

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

14 In a fiscal year, 30% of the total amount deposited into
15 the Road Fund shall be appropriated to the Illinois Department
16 of Transportation to be used for projects in Cook County. The
17 remainder of the money ~~Money~~ in the Road Fund shall, if and
18 when the State of Illinois incurs any bonded indebtedness for
19 the construction of permanent highways, be set aside and used
20 for the purpose of paying and discharging during each fiscal
21 year the principal and interest on that bonded indebtedness as
22 it becomes due and payable as provided in the Transportation
23 Bond Act, and for no other purpose. The surplus, if any, in the
24 Road Fund after the appropriation to the Illinois Department of
25 Transportation and the payment of principal and interest on
26 that bonded indebtedness then annually due shall be used as

1 follows:

2 first -- to pay the cost of administration of Chapters
3 2 through 10 of the Illinois Vehicle Code; and

4 secondly -- no Road Fund monies derived from fees,
5 excises, or license taxes relating to registration,
6 operation and use of vehicles on public highways or to
7 fuels used for the propulsion of those vehicles, shall be
8 appropriated or expended other than for costs of
9 administering the laws imposing those fees, excises, and
10 license taxes, statutory refunds and adjustments allowed
11 thereunder, administrative costs of the Department of
12 Transportation, including, but not limited to, the
13 operating expenses of the Department relating to the
14 administration of public transportation programs, payment
15 of debts and liabilities incurred in construction and
16 reconstruction of public highways and bridges, acquisition
17 of rights-of-way for and the cost of construction,
18 reconstruction, maintenance, repair, and operation of
19 public highways and bridges under the direction and
20 supervision of the State, political subdivision, or
21 municipality collecting those monies, and the costs for
22 patrolling and policing the public highways (by State,
23 political subdivision, or municipality collecting that
24 money) for enforcement of traffic laws. The separation of
25 grades of such highways with railroads and costs associated
26 with protection of at-grade highway and railroad crossing

1 shall also be permissible.

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

5 Except as provided in this paragraph, beginning with fiscal
6 year 1991 and thereafter, no Road Fund monies shall be
7 appropriated to the Department of State Police for the purposes
8 of this Section in excess of its total fiscal year 1990 Road
9 Fund appropriations for those purposes unless otherwise
10 provided in Section 5g of this Act. For fiscal years 2003,
11 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be
12 appropriated to the Department of State Police for the purposes
13 of this Section in excess of \$97,310,000. For fiscal year 2008
14 only, no Road Fund monies shall be appropriated to the
15 Department of State Police for the purposes of this Section in
16 excess of \$106,100,000. For fiscal year 2009 only, no Road Fund
17 monies shall be appropriated to the Department of State Police
18 for the purposes of this Section in excess of \$114,700,000.
19 Beginning in fiscal year 2010, no road fund moneys shall be
20 appropriated to the Department of State Police. It shall not be
21 lawful to circumvent this limitation on appropriations by
22 governmental reorganization or other methods unless otherwise
23 provided in Section 5g of this Act.

24 In fiscal year 1994, no Road Fund monies shall be
25 appropriated to the Secretary of State for the purposes of this
26 Section in excess of the total fiscal year 1991 Road Fund

1 appropriations to the Secretary of State for those purposes,
2 plus \$9,800,000. It shall not be lawful to circumvent this
3 limitation on appropriations by governmental reorganization or
4 other method.

5 Beginning with fiscal year 1995 and thereafter, no Road
6 Fund monies shall be appropriated to the Secretary of State for
7 the purposes of this Section in excess of the total fiscal year
8 1994 Road Fund appropriations to the Secretary of State for
9 those purposes. It shall not be lawful to circumvent this
10 limitation on appropriations by governmental reorganization or
11 other methods.

12 Beginning with fiscal year 2000, total Road Fund
13 appropriations to the Secretary of State for the purposes of
14 this Section shall not exceed the amounts specified for the
15 following fiscal years:

16	Fiscal Year 2000	\$80,500,000;
17	Fiscal Year 2001	\$80,500,000;
18	Fiscal Year 2002	\$80,500,000;
19	Fiscal Year 2003	\$130,500,000;
20	Fiscal Year 2004	\$130,500,000;
21	Fiscal Year 2005	\$130,500,000;
22	Fiscal Year 2006	\$130,500,000;
23	Fiscal Year 2007	\$130,500,000;
24	Fiscal Year 2008	\$130,500,000;
25	Fiscal Year 2009	\$130,500,000.

26 For fiscal year 2010, no road fund moneys shall be

1 appropriated to the Secretary of State.

2 Beginning in fiscal year 2011, moneys in the Road Fund
3 shall be appropriated to the Secretary of State for the
4 exclusive purpose of paying refunds due to overpayment of fees
5 related to Chapter 3 of the Illinois Vehicle Code unless
6 otherwise provided for by law.

7 It shall not be lawful to circumvent this limitation on
8 appropriations by governmental reorganization or other
9 methods.

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

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

18 The additional amounts authorized for expenditure in this
19 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
20 shall be repaid to the Road Fund from the General Revenue Fund
21 in the next succeeding fiscal year that the General Revenue
22 Fund has a positive budgetary balance, as determined by
23 generally accepted accounting principles applicable to
24 government.

25 The additional amounts authorized for expenditure by the
26 Secretary of State and the Department of State Police in this

1 Section by this amendatory Act of the 94th General Assembly
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 (Source: P.A. 95-707, eff. 1-11-08; 95-744, eff. 7-18-08;
8 96-34, eff. 7-13-09; 96-959, eff. 7-1-10.)