



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2460

by Rep. Luis Arroyo

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/8.3

from Ch. 127, par. 144.3

Amends the State Finance Act. Provides that beginning with Fiscal Year 2014, all Road Fund Monies shall be appropriated to provide 50% to Department of Transportation District 1 and 50% to be divided among the remaining Department of Transportation Districts. Effective July 1, 2013.

LRB098 10271 JWD 40450 b

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

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, during fiscal year

1           2012 only, for the purposes of a grant not to exceed  
2           \$8,500,000 to the Regional Transportation Authority on  
3           behalf of PACE for the purpose of ADA/Para-transit  
4           expenses; or, during fiscal year 2013 only, for the  
5           purposes of a grant not to exceed \$3,825,000 to the  
6           Regional Transportation Authority on behalf of PACE for the  
7           purpose of ADA/Para-transit expenses; or for any of those  
8           purposes or any other purpose that may be provided by law.

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

14          Beginning with fiscal year 1980 and thereafter, no Road  
15          Fund monies shall be appropriated to the following Departments  
16          or agencies of State government for administration, grants, or  
17          operations; but this limitation is not a restriction upon  
18          appropriating for those purposes any Road Fund monies that are  
19          eligible for federal reimbursement;

20                 1. Department of Public Health;

21                 2. Department of Transportation, only with respect to  
22                 subsidies for one-half fare Student Transportation and  
23                 Reduced Fare for Elderly, except during fiscal year 2012  
24                 only when no more than \$40,000,000 may be expended and  
25                 except during fiscal year 2013 only when no more than  
26                 \$17,570,300 may be expended;

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, except during fiscal year 2012  
15          only when no more than \$40,000,000 may be expended and  
16          except during fiscal year 2013 only when no more than  
17          \$26,000,000 may be expended, and Rail Freight Services.

18          Beginning with fiscal year 1982 and thereafter, no Road  
19          Fund monies shall be appropriated to the following Departments  
20          or agencies of State government for administration, grants, or  
21          operations; but this limitation is not a restriction upon  
22          appropriating for those purposes any Road Fund monies that are  
23          eligible for federal reimbursement: Department of Central  
24          Management Services, except for awards made by the Illinois  
25          Workers' Compensation Commission under the terms of the  
26          Workers' Compensation Act or Workers' Occupational Diseases

1 Act for injury or death of an employee of the Division of  
2 Highways in the Department of Transportation.

3 Beginning with fiscal year 1984 and thereafter, no Road  
4 Fund monies shall be appropriated to the following Departments  
5 or agencies of State government for administration, grants, or  
6 operations; but this limitation is not a restriction upon  
7 appropriating for those purposes any Road Fund monies that are  
8 eligible for federal reimbursement:

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

11 2. State Officers.

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

22 Money in the Road Fund shall, if and when the State of  
23 Illinois incurs any bonded indebtedness for the construction of  
24 permanent highways, be set aside and used for the purpose of  
25 paying and discharging during each fiscal year the principal  
26 and interest on that bonded indebtedness as it becomes due and

1 payable as provided in the Transportation Bond Act, and for no  
2 other purpose. The surplus, if any, in the Road Fund after the  
3 payment of principal and interest on that bonded indebtedness  
4 then annually due shall be used as follows:

5 first -- to pay the cost of administration of Chapters  
6 2 through 10 of the Illinois Vehicle Code; and

7 secondly -- no Road Fund monies derived from fees,  
8 excises, or license taxes relating to registration,  
9 operation and use of vehicles on public highways or to  
10 fuels used for the propulsion of those vehicles, shall be  
11 appropriated or expended other than for costs of  
12 administering the laws imposing those fees, excises, and  
13 license taxes, statutory refunds and adjustments allowed  
14 thereunder, administrative costs of the Department of  
15 Transportation, including, but not limited to, the  
16 operating expenses of the Department relating to the  
17 administration of public transportation programs, payment  
18 of debts and liabilities incurred in construction and  
19 reconstruction of public highways and bridges, acquisition  
20 of rights-of-way for and the cost of construction,  
21 reconstruction, maintenance, repair, and operation of  
22 public highways and bridges under the direction and  
23 supervision of the State, political subdivision, or  
24 municipality collecting those monies, or during fiscal  
25 year 2012 only for the purposes of a grant not to exceed  
26 \$8,500,000 to the Regional Transportation Authority on

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

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

12          Except as provided in this paragraph, beginning with fiscal  
13          year 1991 and thereafter, no Road Fund monies shall be  
14          appropriated to the Department of State Police for the purposes  
15          of this Section in excess of its total fiscal year 1990 Road  
16          Fund appropriations for those purposes unless otherwise  
17          provided in Section 5g of this Act. For fiscal years 2003,  
18          2004, 2005, 2006, and 2007 only, no Road Fund monies shall be  
19          appropriated to the Department of State Police for the purposes  
20          of this Section in excess of \$97,310,000. For fiscal year 2008  
21          only, no Road Fund monies shall be appropriated to the  
22          Department of State Police for the purposes of this Section in  
23          excess of \$106,100,000. For fiscal year 2009 only, no Road Fund  
24          monies shall be appropriated to the Department of State Police  
25          for the purposes of this Section in excess of \$114,700,000.  
26          Beginning in fiscal year 2010, no road fund moneys shall be



1 appropriated to the Department of State Police. It shall not be  
2 lawful to circumvent this limitation on appropriations by  
3 governmental reorganization or other methods unless otherwise  
4 provided in Section 5g of this Act.

5 In fiscal year 1994, no Road Fund monies shall be  
6 appropriated to the Secretary of State for the purposes of this  
7 Section in excess of the total fiscal year 1991 Road Fund  
8 appropriations to the Secretary of State for those purposes,  
9 plus \$9,800,000. It shall not be lawful to circumvent this  
10 limitation on appropriations by governmental reorganization or  
11 other method.

12 Beginning with fiscal year 1995 and thereafter, no Road  
13 Fund monies shall be appropriated to the Secretary of State for  
14 the purposes of this Section in excess of the total fiscal year  
15 1994 Road Fund appropriations to the Secretary of State for  
16 those purposes. It shall not be lawful to circumvent this  
17 limitation on appropriations by governmental reorganization or  
18 other methods.

19 Beginning with fiscal year 2000, total Road Fund  
20 appropriations to the Secretary of State for the purposes of  
21 this Section shall not exceed the amounts specified for the  
22 following fiscal years:

23	Fiscal Year 2000	\$80,500,000;
24	Fiscal Year 2001	\$80,500,000;
25	Fiscal Year 2002	\$80,500,000;
26	Fiscal Year 2003	\$130,500,000;

1	Fiscal Year 2004	\$130,500,000;
2	Fiscal Year 2005	\$130,500,000;
3	Fiscal Year 2006	\$130,500,000;
4	Fiscal Year 2007	\$130,500,000;
5	Fiscal Year 2008	\$130,500,000;
6	Fiscal Year 2009	\$130,500,000.

7 For fiscal year 2010, no road fund moneys shall be  
8 appropriated to the Secretary of State.

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

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, 93-0839, and 94-91

1 shall be repaid to the Road Fund from the General Revenue Fund  
2 in the next succeeding fiscal year that the General Revenue  
3 Fund has a positive budgetary balance, as determined by  
4 generally accepted accounting principles applicable to  
5 government.

6 The additional amounts authorized for expenditure by the  
7 Secretary of State and the Department of State Police in this  
8 Section by this amendatory Act of the 94th General Assembly  
9 shall be repaid to the Road Fund from the General Revenue Fund  
10 in the next succeeding fiscal year that the General Revenue  
11 Fund has a positive budgetary balance, as determined by  
12 generally accepted accounting principles applicable to  
13 government.

14 Notwithstanding any provision of law to the contrary,  
15 beginning with fiscal year 2014 and thereafter, all Road Fund  
16 monies shall be appropriated according to the following  
17 formula:

18 1. 50% to Department of Transportation District 1; and  
19 2. 50% to Department of Transportation Districts 2  
20 through 9, to be divided among those Districts at the  
21 discretion of the Secretary of Transportation.

22 (Source: P.A. 96-34, eff. 7-13-09; 96-959, eff. 7-1-10; 97-72,  
23 eff. 7-1-11; 97-732, eff. 6-30-12.)

24 Section 99. Effective date. This Act takes effect July 1,  
25 2013.