

1 AN ACT concerning finances.

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 and Section 8h, as added by Public Act 93-32, as
6 follows:

7 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

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

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

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

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

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

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

- 32 1. Department of Public Health;
- 33 2. Department of Transportation, only with respect
34 to subsidies for one-half fare Student Transportation and

1 Reduced Fare for Elderly;

2 3. Department of Central Management Services,
3 except for expenditures incurred for group insurance
4 premiums of appropriate personnel;

5 4. Judicial Systems and Agencies.

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

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

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

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

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

33 1. Department of State Police, except not more than
34 40% of the funds appropriated for the Division of

1 Operations;

2 2. State Officers.

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

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

23 first -- to pay the cost of administration of
24 Chapters 2 through 10 of the Illinois Vehicle Code; and
25 secondly -- no Road Fund monies derived from fees,
26 excises, or license taxes relating to registration,
27 operation and use of vehicles on public highways or to
28 fuels used for the propulsion of those vehicles, shall be
29 appropriated or expended other than for costs of
30 administering the laws imposing those fees, excises, and
31 license taxes, statutory refunds and adjustments allowed
32 thereunder, administrative costs of the Department of
33 Transportation, payment of debts and liabilities incurred
34 in construction and reconstruction of public highways and

1 bridges, acquisition of rights-of-way for and the cost of
2 construction, reconstruction, maintenance, repair, and
3 operation of public highways and bridges under the
4 direction and supervision of the State, political
5 subdivision, or municipality collecting those monies, and
6 the costs for patrolling and policing the public highways
7 (by State, political subdivision, or municipality
8 collecting that money) for enforcement of traffic laws.
9 The separation of grades of such highways with railroads
10 and costs associated with protection of at-grade highway
11 and railroad crossing shall also be permissible.

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

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

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

34 Beginning with fiscal year 1995 and thereafter, no Road

1 Fund monies shall be appropriated to the Secretary of State
 2 for the purposes of this Section in excess of the total
 3 fiscal year 1994 Road Fund appropriations to the Secretary of
 4 State for those purposes. It shall not be lawful to
 5 circumvent this limitation on appropriations by governmental
 6 reorganization or other methods.

7 Beginning with fiscal year 2000, total Road Fund
 8 appropriations to the Secretary of State for the purposes of
 9 this Section shall not exceed the amounts specified for the
 10 following fiscal years:

11	Fiscal Year 2000	\$80,500,000;
12	Fiscal Year 2001	\$80,500,000;
13	Fiscal Year 2002	\$80,500,000;
14	Fiscal Year 2003	\$130,500,000;
15	Fiscal Year 2004	\$130,500,000;
16	Fiscal Year 2005 and	
17	each-year-thereafter	\$30,500,000;
18	<u>Fiscal year 2006</u>	<u>\$20,000,000;</u>
19	<u>Fiscal year 2007</u>	<u>\$10,000,000;</u>
20	<u>Fiscal year 2008 and</u>	
21	<u>each year thereafter</u>	<u>\$0.</u>

22 It shall not be lawful to circumvent this limitation on
 23 appropriations by governmental reorganization or other
 24 methods.

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

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

33 The additional amounts authorized for expenditure in this
 34 Section by this amendatory Act of the 92nd General Assembly

1 shall be repaid to the Road Fund from the General Revenue
2 Fund in the next succeeding fiscal year that the General
3 Revenue Fund has a positive budgetary balance, as determined
4 by 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 93rd General Assembly
9 shall be repaid to the Road Fund from the General Revenue
10 Fund in the next succeeding fiscal year that the General
11 Revenue Fund has a positive budgetary balance, as determined
12 by generally accepted accounting principles applicable to
13 government.

14 Beginning with fiscal year 2005 and thereafter, no Road
15 Fund moneys may be appropriated to the Department of Central
16 Management Services, the Department of Employment Security,
17 the Department of Revenue, the Court of Claims, or any other
18 State agency (other than the Department of State Police and
19 the Department of Transportation and, until fiscal year 2008,
20 the Secretary of State) for the purposes of this Section.
21 Appropriations to those entities for those purposes shall,
22 instead, be made from the General Revenue Fund. It shall not
23 be lawful to circumvent this limitation on appropriations by
24 governmental reorganization or other methods. Nothing in
25 this paragraph prohibits appropriations from the Road Fund to
26 the Department of State Police for the purposes of the
27 highway patrol budget only.

28 Beginning with fiscal year 2008 and thereafter, no Road
29 Fund moneys may be appropriated to the Secretary of State for
30 the purposes of this Section. Appropriations to the
31 Secretary of State for those purposes shall, instead, be made
32 from the General Revenue Fund. Is shall not be lawful to
33 circumvent this limitation on appropriations by governmental
34 reorganization or other methods.

1 (Source: P.A. 92-600, eff. 6-28-02; 93-25, eff. 6-20-03.)

2 (30 ILCS 105/8h)

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

4 Notwithstanding any other State law to the contrary, the
5 Director of the Governor's Office of Management and Budget
6 ~~Bureau--of--the-Budget~~ may from time to time direct the State
7 Treasurer and Comptroller to transfer a specified sum from
8 any fund held by the State Treasurer to the General Revenue
9 Fund in order to help defray the State's operating costs for
10 the fiscal year. The total transfer under this Section from
11 any fund in any fiscal year shall not exceed the lesser of 8%
12 of the revenues to be deposited into the fund during that
13 year or 25% of the beginning balance in the fund. No
14 transfer may be made from a fund under this Section that
15 would have the effect of reducing the available balance in
16 the fund to an amount less than the amount remaining
17 unexpended and unreserved from the total appropriation from
18 that fund for that fiscal year. This Section does not apply
19 to any funds that are restricted by federal law to a specific
20 use or to any funds in the Motor Fuel Tax Fund. No transfers
21 may be made under this Section from the Road Fund or the
22 State Construction Account Fund on or after the effective
23 date of this amendatory Act of the 93rd General Assembly.
24 ~~Notwithstanding any other provision of this Section, the~~
25 ~~total transfer under this Section from the Road Fund or the~~
26 ~~State Construction Account Fund shall not exceed 5% of the~~
27 ~~revenues to be deposited into the fund during that year.~~

28 In determining the available balance in a fund, the
29 Director of the Governor's Office of Management and Budget
30 ~~Bureau-of-the-Budget~~ may include receipts, transfers into the
31 fund, and other resources anticipated to be available in the
32 fund in that fiscal year.

33 The State Treasurer and Comptroller shall transfer the

1 amounts designated under this Section as soon as may be
2 practicable after receiving the direction to transfer from
3 the Director of the Governor's Office of Management and
4 Budget Bureau-of-the-Budget.

5 (Source: P.A. 93-32, eff. 6-20-03; revised 8-21-03.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.