



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB0985

Introduced 1/29/2013, by Rep. David Reis

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5	from Ch. 127, par. 141
30 ILCS 105/5d	from Ch. 127, par. 141d
30 ILCS 105/8.3	from Ch. 127, par. 144.3
30 ILCS 105/5e rep.	
35 ILCS 505/8	from Ch. 120, par. 424

Amends the State Finance Act. Provides that the Motor Fuel Tax Fund, the State Construction Account Fund, and the Road Fund shall not be subject to sweeps, administrative charges or chargebacks, or any other fiscal or budgetary maneuver that would transfer any amount from those Funds into any other Fund of the State unless those actions were specifically authorized by law prior to the effective date of the amendatory Act. Repeals a Section of the State Finance Act authorizing the Governor to transfer moneys from the Road Fund to State Construction Account Fund. Effective immediately.

LRB098 03903 KMW 33921 b

FISCAL NOTE ACT
MAY APPLY

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 5, 5d, and 8.3 as follows:

6 (30 ILCS 105/5) (from Ch. 127, par. 141)

7 Sec. 5. Special funds.

8 (a) There are special funds in the State Treasury
9 designated as specified in the Sections which succeed this
10 Section 5 and precede Section 6.

11 (b) Except as provided in the Illinois Motor Vehicle Theft
12 Prevention Act, when any special fund in the State Treasury is
13 discontinued by an Act of the General Assembly, any balance
14 remaining therein on the effective date of such Act shall be
15 transferred to the General Revenue Fund, or to such other fund
16 as such Act shall provide. Warrants outstanding against such
17 discontinued fund at the time of the transfer of any such
18 balance therein shall be paid out of the fund to which the
19 transfer was made.

20 (c) When any special fund in the State Treasury has been
21 inactive for 18 months or longer, the fund is automatically
22 terminated by operation of law and the balance remaining in
23 such fund shall be transferred by the Comptroller to the

1 General Revenue Fund. When a special fund has been terminated
2 by operation of law as provided in this Section, the General
3 Assembly shall repeal or amend all Sections of the statutes
4 creating or otherwise referring to that fund.

5 The Comptroller shall be allowed the discretion to maintain
6 or dissolve any federal trust fund which has been inactive for
7 18 months or longer.

8 (d) (Blank).

9 (e) (Blank).

10 (f) Beginning on the effective date of this amendatory Act
11 of the 98th General Assembly, and notwithstanding any other law
12 to the contrary, neither the Motor Fuel Tax Fund, the State
13 Construction Account Fund, nor the Road Fund shall be subject
14 to sweeps, administrative charges or chargebacks, or any other
15 fiscal or budgetary maneuver that would transfer any amount
16 from those Funds into any other Fund of the State unless
17 specifically authorized by law prior to the effective date of
18 this amendatory Act of the 98th General Assembly. It shall not
19 be lawful to circumvent this limitation by governmental
20 reorganization or other methods.

21 (Source: P.A. 90-372, eff. 7-1-98.)

22 (30 ILCS 105/5d) (from Ch. 127, par. 141d)

23 Sec. 5d. The ~~Except as provided by Section 5c of this Act,~~
24 ~~the~~ State Construction Account Fund shall be used exclusively
25 for the construction, reconstruction and maintenance of the

1 State maintained highway system. ~~None~~ ~~Except as provided by~~
2 ~~Section 5c of this Act,~~ none of the money deposited in the
3 State Construction Account Fund shall be used to pay the cost
4 of administering the Motor Fuel Tax Law as now or hereafter
5 amended, nor be appropriated for use by the Department of
6 Transportation to pay the cost of its operations or
7 administration, nor be used in any manner for the payment of
8 regular or contractual employees of the State, nor be
9 transferred or allocated by the Comptroller and Treasurer or be
10 otherwise used, except for the sole purpose of construction,
11 reconstruction and maintenance of the State maintained highway
12 system as the Illinois General Assembly shall provide by
13 appropriation from this fund. Beginning with the month
14 immediately following the effective date of this amendatory Act
15 of 1985, investment income which is attributable to the
16 investment of moneys of the State Construction Account Fund
17 shall be retained in that fund for the uses specified in this
18 Section.

19 Beginning on the effective date of this amendatory Act of
20 the 98th General Assembly, and notwithstanding any other law to
21 the contrary, the State Construction Account Fund shall not be
22 subject to sweeps, administrative charges or chargebacks, or
23 any other fiscal or budgetary maneuver that would transfer any
24 amount from this Fund into any other Fund of the State unless
25 specifically authorized by law prior to the effective date of
26 this amendatory Act of the 98th General Assembly. It shall not

1 be lawful to circumvent this limitation by governmental
2 reorganization or other methods.

3 (Source: P.A. 84-431.)

4 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

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

13 first -- to pay the cost of administration of Chapters
14 2 through 10 of the Illinois Vehicle Code, except the cost
15 of administration of Articles I and II of Chapter 3 of that
16 Code; and

17 secondly -- for expenses of the Department of
18 Transportation for construction, reconstruction,
19 improvement, repair, maintenance, operation, and
20 administration of highways in accordance with the
21 provisions of laws relating thereto, or for any purpose
22 related or incident to and connected therewith, including
23 the separation of grades of those highways with railroads
24 and with highways and including the payment of awards made
25 by the Illinois Workers' Compensation Commission under the

1 terms of the Workers' Compensation Act or Workers'
2 Occupational Diseases Act for injury or death of an
3 employee of the Division of Highways in the Department of
4 Transportation; or for the acquisition of land and the
5 erection of buildings for highway purposes, including the
6 acquisition of highway right-of-way or for investigations
7 to determine the reasonably anticipated future highway
8 needs; or for making of surveys, plans, specifications and
9 estimates for and in the construction and maintenance of
10 flight strips and of highways necessary to provide access
11 to military and naval reservations, to defense industries
12 and defense-industry sites, and to the sources of raw
13 materials and for replacing existing highways and highway
14 connections shut off from general public use at military
15 and naval reservations and defense-industry sites, or for
16 the purchase of right-of-way, except that the State shall
17 be reimbursed in full for any expense incurred in building
18 the flight strips; or for the operating and maintaining of
19 highway garages; or for patrolling and policing the public
20 highways and conserving the peace; or for the operating
21 expenses of the Department relating to the administration
22 of public transportation programs; or, during fiscal year
23 2012 only, for the purposes of a grant not to exceed
24 \$8,500,000 to the Regional Transportation Authority on
25 behalf of PACE for the purpose of ADA/Para-transit
26 expenses; or, during fiscal year 2013 only, for the

1 purposes of a grant not to exceed \$3,825,000 to the
2 Regional Transportation Authority on behalf of PACE for the
3 purpose of ADA/Para-transit expenses; or for any of those
4 purposes or any other purpose that may be provided by law.

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

10 Beginning with fiscal year 1980 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;

16 1. Department of Public Health;

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

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

26 4. Judicial Systems and Agencies.

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

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

9 2. Department of Transportation, only with respect to
10 Intercity Rail Subsidies, except during fiscal year 2012
11 only when no more than \$40,000,000 may be expended and
12 except during fiscal year 2013 only when no more than
13 \$26,000,000 may be expended, and Rail Freight Services.

14 Beginning with fiscal year 1982 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: Department of Central
20 Management Services, except for awards made by the Illinois
21 Workers' Compensation Commission under the terms of the
22 Workers' Compensation Act or Workers' Occupational Diseases
23 Act for injury or death of an employee of the Division of
24 Highways in the Department of Transportation.

25 Beginning with fiscal year 1984 and thereafter, no Road
26 Fund monies shall be appropriated to the following Departments

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

- 5 1. Department of State Police, except not more than 40%
- 6 of the funds appropriated for the Division of Operations;
- 7 2. State Officers.

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

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

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

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

1 traffic laws. The separation of grades of such highways
2 with railroads and costs associated with protection of
3 at-grade highway and railroad crossing shall also be
4 permissible.

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

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

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

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

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

19	Fiscal Year 2000	\$80,500,000;
20	Fiscal Year 2001	\$80,500,000;
21	Fiscal Year 2002	\$80,500,000;
22	Fiscal Year 2003	\$130,500,000;
23	Fiscal Year 2004	\$130,500,000;
24	Fiscal Year 2005	\$130,500,000;
25	Fiscal Year 2006	\$130,500,000;
26	Fiscal Year 2007	\$130,500,000;

1 Fiscal Year 2008 \$130,500,000;

2 Fiscal Year 2009 \$130,500,000.

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

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

10 It shall not be lawful to circumvent this limitation on
11 appropriations by governmental reorganization or other
12 methods.

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

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

21 The additional amounts authorized for expenditure in this
22 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
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 The additional amounts authorized for expenditure by the
3 Secretary of State and the Department of State Police in this
4 Section by this amendatory Act of the 94th General Assembly
5 shall be repaid to the Road Fund from the General Revenue Fund
6 in the next succeeding fiscal year that the General Revenue
7 Fund has a positive budgetary balance, as determined by
8 generally accepted accounting principles applicable to
9 government.

10 Beginning on the effective date of this amendatory Act of
11 the 98th General Assembly, and notwithstanding any other law to
12 the contrary, the Road Fund shall not be subject to sweeps,
13 administrative charges or chargebacks, or any other fiscal or
14 budgetary maneuver that would transfer any amount from this
15 Fund into any other Fund of the State unless specifically
16 authorized by law prior to the effective date of this
17 amendatory Act of the 98th General Assembly. It shall not be
18 lawful to circumvent this limitation by governmental
19 reorganization or other methods.

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

22 (30 ILCS 105/5e rep.)

23 Section 10. The State Finance Act is amended by repealing
24 Section 5e.

1 Section 15. The Motor Fuel Tax Law is amended by changing
2 Section 8 as follows:

3 (35 ILCS 505/8) (from Ch. 120, par. 424)

4 Sec. 8. Except as provided in Section 8a, subdivision
5 (h) (1) of Section 12a, Section 13a.6, and items 13, 14, 15, and
6 16 of Section 15, all money received by the Department under
7 this Act, including payments made to the Department by member
8 jurisdictions participating in the International Fuel Tax
9 Agreement, shall be deposited in a special fund in the State
10 treasury, to be known as the "Motor Fuel Tax Fund", and shall
11 be used as follows:

12 (a) 2 1/2 cents per gallon of the tax collected on special
13 fuel under paragraph (b) of Section 2 and Section 13a of this
14 Act shall be transferred to the State Construction Account Fund
15 in the State Treasury;

16 (b) \$420,000 shall be transferred each month to the State
17 Boating Act Fund to be used by the Department of Natural
18 Resources for the purposes specified in Article X of the Boat
19 Registration and Safety Act;

20 (c) \$3,500,000 shall be transferred each month to the Grade
21 Crossing Protection Fund to be used as follows: not less than
22 \$12,000,000 each fiscal year shall be used for the construction
23 or reconstruction of rail highway grade separation structures;
24 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in
25 fiscal year 2010 and each fiscal year thereafter shall be

1 transferred to the Transportation Regulatory Fund and shall be
2 accounted for as part of the rail carrier portion of such funds
3 and shall be used to pay the cost of administration of the
4 Illinois Commerce Commission's railroad safety program in
5 connection with its duties under subsection (3) of Section
6 18c-7401 of the Illinois Vehicle Code, with the remainder to be
7 used by the Department of Transportation upon order of the
8 Illinois Commerce Commission, to pay that part of the cost
9 apportioned by such Commission to the State to cover the
10 interest of the public in the use of highways, roads, streets,
11 or pedestrian walkways in the county highway system, township
12 and district road system, or municipal street system as defined
13 in the Illinois Highway Code, as the same may from time to time
14 be amended, for separation of grades, for installation,
15 construction or reconstruction of crossing protection or
16 reconstruction, alteration, relocation including construction
17 or improvement of any existing highway necessary for access to
18 property or improvement of any grade crossing and grade
19 crossing surface including the necessary highway approaches
20 thereto of any railroad across the highway or public road, or
21 for the installation, construction, reconstruction, or
22 maintenance of a pedestrian walkway over or under a railroad
23 right-of-way, as provided for in and in accordance with Section
24 18c-7401 of the Illinois Vehicle Code. The Commission may order
25 up to \$2,000,000 per year in Grade Crossing Protection Fund
26 moneys for the improvement of grade crossing surfaces and up to

1 \$300,000 per year for the maintenance and renewal of 4-quadrant
2 gate vehicle detection systems located at non-high speed rail
3 grade crossings. The Commission shall not order more than
4 \$2,000,000 per year in Grade Crossing Protection Fund moneys
5 for pedestrian walkways. In entering orders for projects for
6 which payments from the Grade Crossing Protection Fund will be
7 made, the Commission shall account for expenditures authorized
8 by the orders on a cash rather than an accrual basis. For
9 purposes of this requirement an "accrual basis" assumes that
10 the total cost of the project is expended in the fiscal year in
11 which the order is entered, while a "cash basis" allocates the
12 cost of the project among fiscal years as expenditures are
13 actually made. To meet the requirements of this subsection, the
14 Illinois Commerce Commission shall develop annual and 5-year
15 project plans of rail crossing capital improvements that will
16 be paid for with moneys from the Grade Crossing Protection
17 Fund. The annual project plan shall identify projects for the
18 succeeding fiscal year and the 5-year project plan shall
19 identify projects for the 5 directly succeeding fiscal years.
20 The Commission shall submit the annual and 5-year project plans
21 for this Fund to the Governor, the President of the Senate, the
22 Senate Minority Leader, the Speaker of the House of
23 Representatives, and the Minority Leader of the House of
24 Representatives on the first Wednesday in April of each year;

25 (d) of the amount remaining after allocations provided for
26 in subsections (a), (b) and (c), a sufficient amount shall be

1 reserved to pay all of the following:

2 (1) the costs of the Department of Revenue in
3 administering this Act;

4 (2) the costs of the Department of Transportation in
5 performing its duties imposed by the Illinois Highway Code
6 for supervising the use of motor fuel tax funds apportioned
7 to municipalities, counties and road districts;

8 (3) refunds provided for in Section 13, refunds for
9 overpayment of decal fees paid under Section 13a.4 of this
10 Act, and refunds provided for under the terms of the
11 International Fuel Tax Agreement referenced in Section
12 14a;

13 (4) from October 1, 1985 until June 30, 1994, the
14 administration of the Vehicle Emissions Inspection Law,
15 which amount shall be certified monthly by the
16 Environmental Protection Agency to the State Comptroller
17 and shall promptly be transferred by the State Comptroller
18 and Treasurer from the Motor Fuel Tax Fund to the Vehicle
19 Inspection Fund, and for the period July 1, 1994 through
20 June 30, 2000, one-twelfth of \$25,000,000 each month, for
21 the period July 1, 2000 through June 30, 2003, one-twelfth
22 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,
23 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each
24 July 1 and October 1, or as soon thereafter as may be
25 practical, during the period July 1, 2004 through June 30,
26 2012, for the administration of the Vehicle Emissions

1 Inspection Law of 2005, to be transferred by the State
2 Comptroller and Treasurer from the Motor Fuel Tax Fund into
3 the Vehicle Inspection Fund;

4 (5) amounts ordered paid by the Court of Claims; and

5 (6) payment of motor fuel use taxes due to member
6 jurisdictions under the terms of the International Fuel Tax
7 Agreement. The Department shall certify these amounts to
8 the Comptroller by the 15th day of each month; the
9 Comptroller shall cause orders to be drawn for such
10 amounts, and the Treasurer shall administer those amounts
11 on or before the last day of each month;

12 (e) after allocations for the purposes set forth in
13 subsections (a), (b), (c) and (d), the remaining amount shall
14 be apportioned as follows:

15 (1) Until January 1, 2000, 58.4%, and beginning January
16 1, 2000, 45.6% shall be deposited as follows:

17 (A) 37% into the State Construction Account Fund,
18 and

19 (B) 63% into the Road Fund, \$1,250,000 of which
20 shall be reserved each month for the Department of
21 Transportation to be used in accordance with the
22 provisions of Sections 6-901 through 6-906 of the
23 Illinois Highway Code;

24 (2) Until January 1, 2000, 41.6%, and beginning January
25 1, 2000, 54.4% shall be transferred to the Department of
26 Transportation to be distributed as follows:

- 1 (A) 49.10% to the municipalities of the State,
2 (B) 16.74% to the counties of the State having
3 1,000,000 or more inhabitants,
4 (C) 18.27% to the counties of the State having less
5 than 1,000,000 inhabitants,
6 (D) 15.89% to the road districts of the State.

7 As soon as may be after the first day of each month the
8 Department of Transportation shall allot to each municipality
9 its share of the amount apportioned to the several
10 municipalities which shall be in proportion to the population
11 of such municipalities as determined by the last preceding
12 municipal census if conducted by the Federal Government or
13 Federal census. If territory is annexed to any municipality
14 subsequent to the time of the last preceding census the
15 corporate authorities of such municipality may cause a census
16 to be taken of such annexed territory and the population so
17 ascertained for such territory shall be added to the population
18 of the municipality as determined by the last preceding census
19 for the purpose of determining the allotment for that
20 municipality. If the population of any municipality was not
21 determined by the last Federal census preceding any
22 apportionment, the apportionment to such municipality shall be
23 in accordance with any census taken by such municipality. Any
24 municipal census used in accordance with this Section shall be
25 certified to the Department of Transportation by the clerk of
26 such municipality, and the accuracy thereof shall be subject to

1 approval of the Department which may make such corrections as
2 it ascertains to be necessary.

3 As soon as may be after the first day of each month the
4 Department of Transportation shall allot to each county its
5 share of the amount apportioned to the several counties of the
6 State as herein provided. Each allotment to the several
7 counties having less than 1,000,000 inhabitants shall be in
8 proportion to the amount of motor vehicle license fees received
9 from the residents of such counties, respectively, during the
10 preceding calendar year. The Secretary of State shall, on or
11 before April 15 of each year, transmit to the Department of
12 Transportation a full and complete report showing the amount of
13 motor vehicle license fees received from the residents of each
14 county, respectively, during the preceding calendar year. The
15 Department of Transportation shall, each month, use for
16 allotment purposes the last such report received from the
17 Secretary of State.

18 As soon as may be after the first day of each month, the
19 Department of Transportation shall allot to the several
20 counties their share of the amount apportioned for the use of
21 road districts. The allotment shall be apportioned among the
22 several counties in the State in the proportion which the total
23 mileage of township or district roads in the respective
24 counties bears to the total mileage of all township and
25 district roads in the State. Funds allotted to the respective
26 counties for the use of road districts therein shall be

1 allocated to the several road districts in the county in the
2 proportion which the total mileage of such township or district
3 roads in the respective road districts bears to the total
4 mileage of all such township or district roads in the county.
5 After July 1 of any year prior to 2011, no allocation shall be
6 made for any road district unless it levied a tax for road and
7 bridge purposes in an amount which will require the extension
8 of such tax against the taxable property in any such road
9 district at a rate of not less than either .08% of the value
10 thereof, based upon the assessment for the year immediately
11 prior to the year in which such tax was levied and as equalized
12 by the Department of Revenue or, in DuPage County, an amount
13 equal to or greater than \$12,000 per mile of road under the
14 jurisdiction of the road district, whichever is less. Beginning
15 July 1, 2011 and each July 1 thereafter, an allocation shall be
16 made for any road district if it levied a tax for road and
17 bridge purposes. In counties other than DuPage County, if the
18 amount of the tax levy requires the extension of the tax
19 against the taxable property in the road district at a rate
20 that is less than 0.08% of the value thereof, based upon the
21 assessment for the year immediately prior to the year in which
22 the tax was levied and as equalized by the Department of
23 Revenue, then the amount of the allocation for that road
24 district shall be a percentage of the maximum allocation equal
25 to the percentage obtained by dividing the rate extended by the
26 district by 0.08%. In DuPage County, if the amount of the tax

1 levy requires the extension of the tax against the taxable
2 property in the road district at a rate that is less than the
3 lesser of (i) 0.08% of the value of the taxable property in the
4 road district, based upon the assessment for the year
5 immediately prior to the year in which such tax was levied and
6 as equalized by the Department of Revenue, or (ii) a rate that
7 will yield an amount equal to \$12,000 per mile of road under
8 the jurisdiction of the road district, then the amount of the
9 allocation for the road district shall be a percentage of the
10 maximum allocation equal to the percentage obtained by dividing
11 the rate extended by the district by the lesser of (i) 0.08% or
12 (ii) the rate that will yield an amount equal to \$12,000 per
13 mile of road under the jurisdiction of the road district.

14 Prior to 2011, if any road district has levied a special
15 tax for road purposes pursuant to Sections 6-601, 6-602 and
16 6-603 of the Illinois Highway Code, and such tax was levied in
17 an amount which would require extension at a rate of not less
18 than .08% of the value of the taxable property thereof, as
19 equalized or assessed by the Department of Revenue, or, in
20 DuPage County, an amount equal to or greater than \$12,000 per
21 mile of road under the jurisdiction of the road district,
22 whichever is less, such levy shall, however, be deemed a proper
23 compliance with this Section and shall qualify such road
24 district for an allotment under this Section. Beginning in 2011
25 and thereafter, if any road district has levied a special tax
26 for road purposes under Sections 6-601, 6-602, and 6-603 of the

1 Illinois Highway Code, and the tax was levied in an amount that
2 would require extension at a rate of not less than 0.08% of the
3 value of the taxable property of that road district, as
4 equalized or assessed by the Department of Revenue or, in
5 DuPage County, an amount equal to or greater than \$12,000 per
6 mile of road under the jurisdiction of the road district,
7 whichever is less, that levy shall be deemed a proper
8 compliance with this Section and shall qualify such road
9 district for a full, rather than proportionate, allotment under
10 this Section. If the levy for the special tax is less than
11 0.08% of the value of the taxable property, or, in DuPage
12 County if the levy for the special tax is less than the lesser
13 of (i) 0.08% or (ii) \$12,000 per mile of road under the
14 jurisdiction of the road district, and if the levy for the
15 special tax is more than any other levy for road and bridge
16 purposes, then the levy for the special tax qualifies the road
17 district for a proportionate, rather than full, allotment under
18 this Section. If the levy for the special tax is equal to or
19 less than any other levy for road and bridge purposes, then any
20 allotment under this Section shall be determined by the other
21 levy for road and bridge purposes.

22 Prior to 2011, if a township has transferred to the road
23 and bridge fund money which, when added to the amount of any
24 tax levy of the road district would be the equivalent of a tax
25 levy requiring extension at a rate of at least .08%, or, in
26 DuPage County, an amount equal to or greater than \$12,000 per

1 mile of road under the jurisdiction of the road district,
2 whichever is less, such transfer, together with any such tax
3 levy, shall be deemed a proper compliance with this Section and
4 shall qualify the road district for an allotment under this
5 Section.

6 In counties in which a property tax extension limitation is
7 imposed under the Property Tax Extension Limitation Law, road
8 districts may retain their entitlement to a motor fuel tax
9 allotment or, beginning in 2011, their entitlement to a full
10 allotment if, at the time the property tax extension limitation
11 was imposed, the road district was levying a road and bridge
12 tax at a rate sufficient to entitle it to a motor fuel tax
13 allotment and continues to levy the maximum allowable amount
14 after the imposition of the property tax extension limitation.
15 Any road district may in all circumstances retain its
16 entitlement to a motor fuel tax allotment or, beginning in
17 2011, its entitlement to a full allotment if it levied a road
18 and bridge tax in an amount that will require the extension of
19 the tax against the taxable property in the road district at a
20 rate of not less than 0.08% of the assessed value of the
21 property, based upon the assessment for the year immediately
22 preceding the year in which the tax was levied and as equalized
23 by the Department of Revenue or, in DuPage County, an amount
24 equal to or greater than \$12,000 per mile of road under the
25 jurisdiction of the road district, whichever is less.

26 As used in this Section the term "road district" means any

1 road district, including a county unit road district, provided
2 for by the Illinois Highway Code; and the term "township or
3 district road" means any road in the township and district road
4 system as defined in the Illinois Highway Code. For the
5 purposes of this Section, "township or district road" also
6 includes such roads as are maintained by park districts, forest
7 preserve districts and conservation districts. The Department
8 of Transportation shall determine the mileage of all township
9 and district roads for the purposes of making allotments and
10 allocations of motor fuel tax funds for use in road districts.

11 Payment of motor fuel tax moneys to municipalities and
12 counties shall be made as soon as possible after the allotment
13 is made. The treasurer of the municipality or county may invest
14 these funds until their use is required and the interest earned
15 by these investments shall be limited to the same uses as the
16 principal funds.

17 Beginning on the effective date of this amendatory Act of
18 the 98th General Assembly, and notwithstanding any other law to
19 the contrary, the Motor Fuel Tax Fund shall not be subject to
20 sweeps, administrative charges or chargebacks, or any other
21 fiscal or budgetary maneuver that would transfer any amount
22 from this Fund into any other Fund of the State unless
23 specifically authorized by law prior to the effective date of
24 this amendatory Act of the 98th General Assembly. It shall not
25 be lawful to circumvent this limitation by governmental
26 reorganization or other methods.

1 (Source: P.A. 96-34, eff. 7-13-09; 96-45, eff. 7-15-09; 96-959,
2 eff. 7-1-10; 96-1000, eff. 7-2-10; 96-1024, eff. 7-12-10;
3 96-1384, eff. 7-29-10; 97-72, eff. 7-1-11; 97-333, eff.
4 8-12-11.)

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