

HB5373



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5373

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 2015, 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, 2014.

LRB098 17286 JWD 52380 b

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. 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, during fiscal
8 year 2014 only, for the purposes of a grant not to exceed
9 \$3,825,000 to the Regional Transportation Authority on
10 behalf of PACE for the purpose of ADA/Para-transit
11 expenses; or for any of those purposes or any other purpose
12 that may be provided by law.

13 Appropriations for any of those purposes are payable from
14 the Road Fund. Appropriations may also be made from the Road
15 Fund for the administrative expenses of any State agency that
16 are related to motor vehicles or arise from the use of motor
17 vehicles.

18 Beginning with fiscal year 1980 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;

- 24 1. Department of Public Health;
- 25 2. Department of Transportation, only with respect to
- 26 subsidies for one-half fare Student Transportation and

1 Reduced Fare for Elderly, except during fiscal year 2012
2 only when no more than \$40,000,000 may be expended and
3 except during fiscal year 2013 only when no more than
4 \$17,570,300 may be expended and except during fiscal year
5 2014 only when no more than \$17,570,000 may be expended;

6 3. Department of Central Management Services, except
7 for expenditures incurred for group insurance premiums of
8 appropriate personnel;

9 4. Judicial Systems and Agencies.

10 Beginning with fiscal year 1981 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 State Police, except for expenditures
17 with respect to the Division of Operations;

18 2. Department of Transportation, only with respect to
19 Intercity Rail Subsidies, 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 \$26,000,000 may be expended and except during fiscal year
23 2014 only when no more than \$38,000,000 may be expended,
24 and Rail Freight Services.

25 Beginning with fiscal year 1982 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: Department of Central
5 Management Services, except for awards made by the Illinois
6 Workers' Compensation Commission under the terms of the
7 Workers' Compensation Act or Workers' Occupational Diseases
8 Act for injury or death of an employee of the Division of
9 Highways in the Department of Transportation.

10 Beginning with fiscal year 1984 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 State Police, except not more than 40%
- 17 of the funds appropriated for the Division of Operations;
- 18 2. State Officers.

19 Beginning with fiscal year 1984 and thereafter, no Road
20 Fund monies shall be appropriated to any Department or agency
21 of State government for administration, grants, or operations
22 except as provided hereafter; but this limitation is not a
23 restriction upon appropriating for those purposes any Road Fund
24 monies that are eligible for federal reimbursement. It shall
25 not be lawful to circumvent the above appropriation limitations
26 by governmental reorganization or other methods.

1 Appropriations shall be made from the Road Fund only in
2 accordance with the provisions of this Section.

3 Money in the Road Fund shall, if and when the State of
4 Illinois incurs any bonded indebtedness for the construction of
5 permanent highways, be set aside and used for the purpose of
6 paying and discharging during each fiscal year the principal
7 and interest on that bonded indebtedness as it becomes due and
8 payable as provided in the Transportation Bond Act, and for no
9 other purpose. The surplus, if any, in the Road Fund after the
10 payment of principal and interest on that bonded indebtedness
11 then annually due shall be used as follows:

12 first -- to pay the cost of administration of Chapters
13 2 through 10 of the Illinois Vehicle Code; and

14 secondly -- no Road Fund monies derived from fees,
15 excises, or license taxes relating to registration,
16 operation and use of vehicles on public highways or to
17 fuels used for the propulsion of those vehicles, shall be
18 appropriated or expended other than for costs of
19 administering the laws imposing those fees, excises, and
20 license taxes, statutory refunds and adjustments allowed
21 thereunder, administrative costs of the Department of
22 Transportation, including, but not limited to, the
23 operating expenses of the Department relating to the
24 administration of public transportation programs, payment
25 of debts and liabilities incurred in construction and
26 reconstruction of public highways and bridges, acquisition

1 of rights-of-way for and the cost of construction,
2 reconstruction, maintenance, repair, and operation of
3 public highways and bridges under the direction and
4 supervision of the State, political subdivision, or
5 municipality collecting those monies, or during fiscal
6 year 2012 only for the purposes of a grant not to exceed
7 \$8,500,000 to the Regional Transportation Authority on
8 behalf of PACE for the purpose of ADA/Para-transit
9 expenses, or during fiscal year 2013 only for the purposes
10 of a grant not to exceed \$3,825,000 to the Regional
11 Transportation Authority on behalf of PACE for the purpose
12 of ADA/Para-transit expenses, or during fiscal year 2014
13 only for the purposes of a grant not to exceed \$3,825,000
14 to the Regional Transportation Authority on behalf of PACE
15 for the purpose of ADA/Para-transit expenses, and the costs
16 for patrolling and policing the public highways (by State,
17 political subdivision, or municipality collecting that
18 money) for enforcement of traffic laws. The separation of
19 grades of such highways with railroads and costs associated
20 with protection of at-grade highway and railroad crossing
21 shall also be permissible.

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

25 Except as provided in this paragraph, beginning with fiscal
26 year 1991 and thereafter, no Road Fund monies shall be

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

18 In fiscal year 1994, no Road Fund monies shall be
19 appropriated to the Secretary of State for the purposes of this
20 Section in excess of the total fiscal year 1991 Road Fund
21 appropriations to the Secretary of State for those purposes,
22 plus \$9,800,000. It shall not be lawful to circumvent this
23 limitation on appropriations by governmental reorganization or
24 other method.

25 Beginning with fiscal year 1995 and thereafter, no Road
26 Fund monies shall be appropriated to the Secretary of State for

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

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

10	Fiscal Year 2000	\$80,500,000;
11	Fiscal Year 2001	\$80,500,000;
12	Fiscal Year 2002	\$80,500,000;
13	Fiscal Year 2003	\$130,500,000;
14	Fiscal Year 2004	\$130,500,000;
15	Fiscal Year 2005	\$130,500,000;
16	Fiscal Year 2006	\$130,500,000;
17	Fiscal Year 2007	\$130,500,000;
18	Fiscal Year 2008	\$130,500,000;
19	Fiscal Year 2009	\$130,500,000.

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

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

1 It shall not be lawful to circumvent this limitation on
2 appropriations by governmental reorganization or other
3 methods.

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

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

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

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

1 Notwithstanding any provision of law to the contrary,
2 beginning with fiscal year 2015 and thereafter, all Road Fund
3 monies shall be appropriated according to the following
4 formula:

5 1. 50% to Department of Transportation District 1; and
6 2. 50% to Department of Transportation Districts 2
7 through 9, to be divided among those Districts at the
8 discretion of the Secretary of Transportation.

9 (Source: P.A. 97-72, eff. 7-1-11; 97-732, eff. 6-30-12; 98-24,
10 eff. 6-19-13.)

11 Section 99. Effective date. This Act takes effect July 1,
12 2014.