



Sen. James F. Clayborne, Jr.

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10000SB2610sam001

LRB100 15376 HLH 39141 a

1 AMENDMENT TO SENATE BILL 2610

2 AMENDMENT NO. _____. Amend Senate Bill 2610 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Transportation Law of the
5 Civil Administrative Code of Illinois is amended by adding
6 Section 2705-615 as follows:

7 (20 ILCS 2705/2705-615 new)

8 Sec. 2705-615. Business enterprise program data. The
9 Department of Transportation shall publish on its website all
10 relevant data in its possession for establishing regional goals
11 for affected municipalities, counties, and road districts to
12 implement business enterprise programs as provided in Section 8
13 of the Motor Fuel Tax Law, including all studies and data
14 collected and generated for the Department's calculation of
15 goals for its disadvantaged business enterprise program and any
16 disparity studies and lists of available contractors and

1 subcontractors that participate in the Department's
2 disadvantaged business enterprise program. This data shall be
3 published as a public resource to affected municipalities,
4 counties, and road districts but in no circumstance shall the
5 Department be responsible or liable in any way for the
6 implementation of a local business enterprise program.

7 Section 10. The Motor Fuel Tax Law is amended by changing
8 Section 8 as follows:

9 (35 ILCS 505/8) (from Ch. 120, par. 424)

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

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

22 (b) \$420,000 shall be transferred each month to the State
23 Boating Act Fund to be used by the Department of Natural
24 Resources for the purposes specified in Article X of the Boat

1 Registration and Safety Act;

2 (c) \$3,500,000 shall be transferred each month to the Grade
3 Crossing Protection Fund to be used as follows: not less than
4 \$12,000,000 each fiscal year shall be used for the construction
5 or reconstruction of rail highway grade separation structures;
6 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in
7 fiscal year 2010 and each fiscal year thereafter shall be
8 transferred to the Transportation Regulatory Fund and shall be
9 accounted for as part of the rail carrier portion of such funds
10 and shall be used to pay the cost of administration of the
11 Illinois Commerce Commission's railroad safety program in
12 connection with its duties under subsection (3) of Section
13 18c-7401 of the Illinois Vehicle Code, with the remainder to be
14 used by the Department of Transportation upon order of the
15 Illinois Commerce Commission, to pay that part of the cost
16 apportioned by such Commission to the State to cover the
17 interest of the public in the use of highways, roads, streets,
18 or pedestrian walkways in the county highway system, township
19 and district road system, or municipal street system as defined
20 in the Illinois Highway Code, as the same may from time to time
21 be amended, for separation of grades, for installation,
22 construction or reconstruction of crossing protection or
23 reconstruction, alteration, relocation including construction
24 or improvement of any existing highway necessary for access to
25 property or improvement of any grade crossing and grade
26 crossing surface including the necessary highway approaches

1 thereto of any railroad across the highway or public road, or
2 for the installation, construction, reconstruction, or
3 maintenance of a pedestrian walkway over or under a railroad
4 right-of-way, as provided for in and in accordance with Section
5 18c-7401 of the Illinois Vehicle Code. The Commission may order
6 up to \$2,000,000 per year in Grade Crossing Protection Fund
7 moneys for the improvement of grade crossing surfaces and up to
8 \$300,000 per year for the maintenance and renewal of 4-quadrant
9 gate vehicle detection systems located at non-high speed rail
10 grade crossings. The Commission shall not order more than
11 \$2,000,000 per year in Grade Crossing Protection Fund moneys
12 for pedestrian walkways. In entering orders for projects for
13 which payments from the Grade Crossing Protection Fund will be
14 made, the Commission shall account for expenditures authorized
15 by the orders on a cash rather than an accrual basis. For
16 purposes of this requirement an "accrual basis" assumes that
17 the total cost of the project is expended in the fiscal year in
18 which the order is entered, while a "cash basis" allocates the
19 cost of the project among fiscal years as expenditures are
20 actually made. To meet the requirements of this subsection, the
21 Illinois Commerce Commission shall develop annual and 5-year
22 project plans of rail crossing capital improvements that will
23 be paid for with moneys from the Grade Crossing Protection
24 Fund. The annual project plan shall identify projects for the
25 succeeding fiscal year and the 5-year project plan shall
26 identify projects for the 5 directly succeeding fiscal years.

1 The Commission shall submit the annual and 5-year project plans
2 for this Fund to the Governor, the President of the Senate, the
3 Senate Minority Leader, the Speaker of the House of
4 Representatives, and the Minority Leader of the House of
5 Representatives on the first Wednesday in April of each year;

6 (d) of the amount remaining after allocations provided for
7 in subsections (a), (b) and (c), a sufficient amount shall be
8 reserved to pay all of the following:

9 (1) the costs of the Department of Revenue in
10 administering this Act;

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

15 (3) refunds provided for in Section 13, refunds for
16 overpayment of decal fees paid under Section 13a.4 of this
17 Act, and refunds provided for under the terms of the
18 International Fuel Tax Agreement referenced in Section
19 14a;

20 (4) from October 1, 1985 until June 30, 1994, the
21 administration of the Vehicle Emissions Inspection Law,
22 which amount shall be certified monthly by the
23 Environmental Protection Agency to the State Comptroller
24 and shall promptly be transferred by the State Comptroller
25 and Treasurer from the Motor Fuel Tax Fund to the Vehicle
26 Inspection Fund, and for the period July 1, 1994 through

1 June 30, 2000, one-twelfth of \$25,000,000 each month, for
2 the period July 1, 2000 through June 30, 2003, one-twelfth
3 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,
4 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each
5 July 1 and October 1, or as soon thereafter as may be
6 practical, during the period July 1, 2004 through June 30,
7 2012, and \$30,000,000 on June 1, 2013, or as soon
8 thereafter as may be practical, and \$15,000,000 on July 1
9 and October 1, or as soon thereafter as may be practical,
10 during the period of July 1, 2013 through June 30, 2015,
11 for the administration of the Vehicle Emissions Inspection
12 Law of 2005, to be transferred by the State Comptroller and
13 Treasurer from the Motor Fuel Tax Fund into the Vehicle
14 Inspection Fund;

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

16 (6) payment of motor fuel use taxes due to member
17 jurisdictions under the terms of the International Fuel Tax
18 Agreement. The Department shall certify these amounts to
19 the Comptroller by the 15th day of each month; the
20 Comptroller shall cause orders to be drawn for such
21 amounts, and the Treasurer shall administer those amounts
22 on or before the last day of each month;

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

26 (1) Until January 1, 2000, 58.4%, and beginning January

1 1, 2000, 45.6% shall be deposited as follows:

2 (A) 37% into the State Construction Account Fund,
3 and

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

9 (2) Until January 1, 2000, 41.6%, and beginning January
10 1, 2000, 54.4% shall be transferred to the Department of
11 Transportation to be distributed as follows:

12 (A) 49.10% to the municipalities of the State,

13 (B) 16.74% to the counties of the State having
14 1,000,000 or more inhabitants,

15 (C) 18.27% to the counties of the State having less
16 than 1,000,000 inhabitants,

17 (D) 15.89% to the road districts of the State.

18 As soon as may be after the first day of each month the
19 Department of Transportation shall allot to each municipality
20 its share of the amount apportioned to the several
21 municipalities which shall be in proportion to the population
22 of such municipalities as determined by the last preceding
23 municipal census if conducted by the Federal Government or
24 Federal census. If territory is annexed to any municipality
25 subsequent to the time of the last preceding census the
26 corporate authorities of such municipality may cause a census

1 to be taken of such annexed territory and the population so
2 ascertained for such territory shall be added to the population
3 of the municipality as determined by the last preceding census
4 for the purpose of determining the allotment for that
5 municipality. If the population of any municipality was not
6 determined by the last Federal census preceding any
7 apportionment, the apportionment to such municipality shall be
8 in accordance with any census taken by such municipality. Any
9 municipal census used in accordance with this Section shall be
10 certified to the Department of Transportation by the clerk of
11 such municipality, and the accuracy thereof shall be subject to
12 approval of the Department which may make such corrections as
13 it ascertains to be necessary.

14 As soon as may be after the first day of each month the
15 Department of Transportation shall allot to each county its
16 share of the amount apportioned to the several counties of the
17 State as herein provided. Each allotment to the several
18 counties having less than 1,000,000 inhabitants shall be in
19 proportion to the amount of motor vehicle license fees received
20 from the residents of such counties, respectively, during the
21 preceding calendar year. The Secretary of State shall, on or
22 before April 15 of each year, transmit to the Department of
23 Transportation a full and complete report showing the amount of
24 motor vehicle license fees received from the residents of each
25 county, respectively, during the preceding calendar year. The
26 Department of Transportation shall, each month, use for

1 allotment purposes the last such report received from the
2 Secretary of State.

3 As soon as may be after the first day of each month, the
4 Department of Transportation shall allot to the several
5 counties their share of the amount apportioned for the use of
6 road districts. The allotment shall be apportioned among the
7 several counties in the State in the proportion which the total
8 mileage of township or district roads in the respective
9 counties bears to the total mileage of all township and
10 district roads in the State. Funds allotted to the respective
11 counties for the use of road districts therein shall be
12 allocated to the several road districts in the county in the
13 proportion which the total mileage of such township or district
14 roads in the respective road districts bears to the total
15 mileage of all such township or district roads in the county.
16 After July 1 of any year prior to 2011, no allocation shall be
17 made for any road district unless it levied a tax for road and
18 bridge purposes in an amount which will require the extension
19 of such tax against the taxable property in any such road
20 district at a rate of not less than either .08% of the value
21 thereof, based upon the assessment for the year immediately
22 prior to the year in which such 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. Beginning
26 July 1, 2011 and each July 1 thereafter, an allocation shall be

1 made for any road district if it levied a tax for road and
2 bridge purposes. In counties other than DuPage County, if the
3 amount of the tax levy requires the extension of the tax
4 against the taxable property in the road district at a rate
5 that is less than 0.08% of the value thereof, based upon the
6 assessment for the year immediately prior to the year in which
7 the tax was levied and as equalized by the Department of
8 Revenue, then the amount of the allocation for that road
9 district shall be a percentage of the maximum allocation equal
10 to the percentage obtained by dividing the rate extended by the
11 district by 0.08%. In DuPage County, if the amount of the tax
12 levy requires the extension of the tax against the taxable
13 property in the road district at a rate that is less than the
14 lesser of (i) 0.08% of the value of the taxable property in the
15 road district, based upon the assessment for the year
16 immediately prior to the year in which such tax was levied and
17 as equalized by the Department of Revenue, or (ii) a rate that
18 will yield an amount equal to \$12,000 per mile of road under
19 the jurisdiction of the road district, then the amount of the
20 allocation for the road district shall be a percentage of the
21 maximum allocation equal to the percentage obtained by dividing
22 the rate extended by the district by the lesser of (i) 0.08% or
23 (ii) the rate that will yield an amount equal to \$12,000 per
24 mile of road under the jurisdiction of the road district.

25 Notwithstanding any other provision of law, beginning on
26 July 1, 2018, no municipality, county, or road district that

1 received distributions under this subsection (e) totaling more
2 than \$1,000,000 in the previous State fiscal year shall receive
3 any funds under this subsection (e) unless that municipality,
4 county, or road district implements a business enterprise
5 program setting goals for the inclusion of minority, veteran,
6 and female-owned businesses in the procurement of contracts.
7 Those programs shall (i) cover both professional services and
8 construction procurement and (ii) be substantially similar to
9 the State's business enterprise program for the region in which
10 the municipality, county, or road district is located. The
11 Department of Transportation shall prepare a list of all
12 affected municipalities, counties, and road districts and
13 shall publish the list on its website.

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 (Source: P.A. 97-72, eff. 7-1-11; 97-333, eff. 8-12-11; 98-24,
18 eff. 6-19-13; 98-674, eff. 6-30-14.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."