

**SB0177**



**101ST GENERAL ASSEMBLY**

**State of Illinois**

**2019 and 2020**

**SB0177**

Introduced 1/30/2019, by Sen. Napoleon Harris, III

**SYNOPSIS AS INTRODUCED:**

20 ILCS 2705/2705-615 new  
35 ILCS 505/8

from Ch. 120, par. 424

Amends the Motor Fuel Tax Law. Provides that no municipality, county, or road district that received motor fuel tax distributions totaling more than \$1,000,000 in the previous State fiscal year shall receive a future distribution of motor fuel tax moneys unless that municipality, county, or road district implements a business enterprise program setting goals for the inclusion of minority, veteran, and female-owned businesses in the procurement of contracts. Amends the Department of Transportation Law of the Civil Administrative Code of Illinois. Provides that the Department of Transportation shall assist municipalities, counties, and road districts in implementing those programs. Effective immediately.

LRB101 06086 HLH 51107 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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. Local government business enterprise  
9 programs. The Department shall assist municipalities,  
10 counties, and road districts in implementing business  
11 enterprise programs as provided in Section 8 of the Motor Fuel  
12 Tax Law and shall designate a point of contact person for those  
13 purposes. In addition, the Department shall submit to each such  
14 municipality, county, and road district an estimate of  
15 appropriate subcontracting goals for available contractors  
16 based on the Department's data for existing State and federal  
17 programs.

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

20 (35 ILCS 505/8) (from Ch. 120, par. 424)

21 Sec. 8. Except as provided in Section 8a, subdivision

1 (h) (1) of Section 12a, Section 13a.6, and items 13, 14, 15, and  
2 16 of Section 15, all money received by the Department under  
3 this Act, including payments made to the Department by member  
4 jurisdictions participating in the International Fuel Tax  
5 Agreement, shall be deposited in a special fund in the State  
6 treasury, to be known as the "Motor Fuel Tax Fund", and shall  
7 be used as follows:

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

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

16 (c) \$3,500,000 shall be transferred each month to the Grade  
17 Crossing Protection Fund to be used as follows: not less than  
18 \$12,000,000 each fiscal year shall be used for the construction  
19 or reconstruction of rail highway grade separation structures;  
20 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in  
21 fiscal year 2010 and each fiscal year thereafter shall be  
22 transferred to the Transportation Regulatory Fund and shall be  
23 accounted for as part of the rail carrier portion of such funds  
24 and shall be used to pay the cost of administration of the  
25 Illinois Commerce Commission's railroad safety program in  
26 connection with its duties under subsection (3) of Section

1 18c-7401 of the Illinois Vehicle Code, with the remainder to be  
2 used by the Department of Transportation upon order of the  
3 Illinois Commerce Commission, to pay that part of the cost  
4 apportioned by such Commission to the State to cover the  
5 interest of the public in the use of highways, roads, streets,  
6 or pedestrian walkways in the county highway system, township  
7 and district road system, or municipal street system as defined  
8 in the Illinois Highway Code, as the same may from time to time  
9 be amended, for separation of grades, for installation,  
10 construction or reconstruction of crossing protection or  
11 reconstruction, alteration, relocation including construction  
12 or improvement of any existing highway necessary for access to  
13 property or improvement of any grade crossing and grade  
14 crossing surface including the necessary highway approaches  
15 thereto of any railroad across the highway or public road, or  
16 for the installation, construction, reconstruction, or  
17 maintenance of a pedestrian walkway over or under a railroad  
18 right-of-way, as provided for in and in accordance with Section  
19 18c-7401 of the Illinois Vehicle Code. The Commission may order  
20 up to \$2,000,000 per year in Grade Crossing Protection Fund  
21 moneys for the improvement of grade crossing surfaces and up to  
22 \$300,000 per year for the maintenance and renewal of 4-quadrant  
23 gate vehicle detection systems located at non-high speed rail  
24 grade crossings. The Commission shall not order more than  
25 \$2,000,000 per year in Grade Crossing Protection Fund moneys  
26 for pedestrian walkways. In entering orders for projects for

1 which payments from the Grade Crossing Protection Fund will be  
2 made, the Commission shall account for expenditures authorized  
3 by the orders on a cash rather than an accrual basis. For  
4 purposes of this requirement an "accrual basis" assumes that  
5 the total cost of the project is expended in the fiscal year in  
6 which the order is entered, while a "cash basis" allocates the  
7 cost of the project among fiscal years as expenditures are  
8 actually made. To meet the requirements of this subsection, the  
9 Illinois Commerce Commission shall develop annual and 5-year  
10 project plans of rail crossing capital improvements that will  
11 be paid for with moneys from the Grade Crossing Protection  
12 Fund. The annual project plan shall identify projects for the  
13 succeeding fiscal year and the 5-year project plan shall  
14 identify projects for the 5 directly succeeding fiscal years.  
15 The Commission shall submit the annual and 5-year project plans  
16 for this Fund to the Governor, the President of the Senate, the  
17 Senate Minority Leader, the Speaker of the House of  
18 Representatives, and the Minority Leader of the House of  
19 Representatives on the first Wednesday in April of each year;

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

23 (1) the costs of the Department of Revenue in  
24 administering this Act;

25 (2) the costs of the Department of Transportation in  
26 performing its duties imposed by the Illinois Highway Code

1 for supervising the use of motor fuel tax funds apportioned  
2 to municipalities, counties and road districts;

3 (3) refunds provided for in Section 13, refunds for  
4 overpayment of decal fees paid under Section 13a.4 of this  
5 Act, and refunds provided for under the terms of the  
6 International Fuel Tax Agreement referenced in Section  
7 14a;

8 (4) from October 1, 1985 until June 30, 1994, the  
9 administration of the Vehicle Emissions Inspection Law,  
10 which amount shall be certified monthly by the  
11 Environmental Protection Agency to the State Comptroller  
12 and shall promptly be transferred by the State Comptroller  
13 and Treasurer from the Motor Fuel Tax Fund to the Vehicle  
14 Inspection Fund, and for the period July 1, 1994 through  
15 June 30, 2000, one-twelfth of \$25,000,000 each month, for  
16 the period July 1, 2000 through June 30, 2003, one-twelfth  
17 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,  
18 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each  
19 July 1 and October 1, or as soon thereafter as may be  
20 practical, during the period July 1, 2004 through June 30,  
21 2012, and \$30,000,000 on June 1, 2013, or as soon  
22 thereafter as may be practical, and \$15,000,000 on July 1  
23 and October 1, or as soon thereafter as may be practical,  
24 during the period of July 1, 2013 through June 30, 2015,  
25 for the administration of the Vehicle Emissions Inspection  
26 Law of 2005, to be transferred by the State Comptroller and

1           Treasurer from the Motor Fuel Tax Fund into the Vehicle  
2           Inspection Fund;

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

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

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

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

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

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

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

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

1 (B) 16.74% to the counties of the State having  
2 1,000,000 or more inhabitants,

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

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

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



1 it ascertains to be necessary.

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

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

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

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

13 Notwithstanding any other provision of law, beginning on  
14 July 1, 2019, no municipality, county, or road district that  
15 received distributions under this subsection (e) totaling more  
16 than \$1,000,000 in the previous State fiscal year shall receive  
17 any funds under this subsection (e) unless that municipality,  
18 county, or road district implements a business enterprise  
19 program setting goals for the inclusion of minority, veteran,  
20 and female-owned businesses in the procurement of contracts.  
21 Those programs shall (i) cover both professional services and  
22 construction procurement and (ii) be substantially similar to  
23 the State's business enterprise program for the region in which  
24 the municipality, county, or road district is located. The  
25 Department of Transportation shall prepare a list of all  
26 affected municipalities, counties, and road districts and

1 shall publish the list on its website.

2 Prior to 2011, if any road district has levied a special  
3 tax for road purposes pursuant to Sections 6-601, 6-602 and  
4 6-603 of the Illinois Highway Code, and such tax was levied in  
5 an amount which would require extension at a rate of not less  
6 than .08% of the value of the taxable property thereof, as  
7 equalized or assessed by the Department of Revenue, or, in  
8 DuPage County, an amount equal to or greater than \$12,000 per  
9 mile of road under the jurisdiction of the road district,  
10 whichever is less, such levy shall, however, be deemed a proper  
11 compliance with this Section and shall qualify such road  
12 district for an allotment under this Section. Beginning in 2011  
13 and thereafter, if any road district has levied a special tax  
14 for road purposes under Sections 6-601, 6-602, and 6-603 of the  
15 Illinois Highway Code, and the tax was levied in an amount that  
16 would require extension at a rate of not less than 0.08% of the  
17 value of the taxable property of that road district, as  
18 equalized or assessed by the Department of Revenue or, in  
19 DuPage County, an amount equal to or greater than \$12,000 per  
20 mile of road under the jurisdiction of the road district,  
21 whichever is less, that levy shall be deemed a proper  
22 compliance with this Section and shall qualify such road  
23 district for a full, rather than proportionate, allotment under  
24 this Section. If the levy for the special tax is less than  
25 0.08% of the value of the taxable property, or, in DuPage  
26 County if the levy for the special tax is less than the lesser

1 of (i) 0.08% or (ii) \$12,000 per mile of road under the  
2 jurisdiction of the road district, and if the levy for the  
3 special tax is more than any other levy for road and bridge  
4 purposes, then the levy for the special tax qualifies the road  
5 district for a proportionate, rather than full, allotment under  
6 this Section. If the levy for the special tax is equal to or  
7 less than any other levy for road and bridge purposes, then any  
8 allotment under this Section shall be determined by the other  
9 levy for road and bridge purposes.

10 Prior to 2011, if a township has transferred to the road  
11 and bridge fund money which, when added to the amount of any  
12 tax levy of the road district would be the equivalent of a tax  
13 levy requiring extension at a rate of at least .08%, or, in  
14 DuPage County, an amount equal to or greater than \$12,000 per  
15 mile of road under the jurisdiction of the road district,  
16 whichever is less, such transfer, together with any such tax  
17 levy, shall be deemed a proper compliance with this Section and  
18 shall qualify the road district for an allotment under this  
19 Section.

20 In counties in which a property tax extension limitation is  
21 imposed under the Property Tax Extension Limitation Law, road  
22 districts may retain their entitlement to a motor fuel tax  
23 allotment or, beginning in 2011, their entitlement to a full  
24 allotment if, at the time the property tax extension limitation  
25 was imposed, the road district was levying a road and bridge  
26 tax at a rate sufficient to entitle it to a motor fuel tax

1 allotment and continues to levy the maximum allowable amount  
2 after the imposition of the property tax extension limitation.  
3 Any road district may in all circumstances retain its  
4 entitlement to a motor fuel tax allotment or, beginning in  
5 2011, its entitlement to a full allotment if it levied a road  
6 and bridge tax in an amount that will require the extension of  
7 the tax against the taxable property in the road district at a  
8 rate of not less than 0.08% of the assessed value of the  
9 property, based upon the assessment for the year immediately  
10 preceding the year in which the tax was levied and as equalized  
11 by the Department of Revenue or, in DuPage County, an amount  
12 equal to or greater than \$12,000 per mile of road under the  
13 jurisdiction of the road district, whichever is less.

14 As used in this Section the term "road district" means any  
15 road district, including a county unit road district, provided  
16 for by the Illinois Highway Code; and the term "township or  
17 district road" means any road in the township and district road  
18 system as defined in the Illinois Highway Code. For the  
19 purposes of this Section, "township or district road" also  
20 includes such roads as are maintained by park districts, forest  
21 preserve districts and conservation districts. The Department  
22 of Transportation shall determine the mileage of all township  
23 and district roads for the purposes of making allotments and  
24 allocations of motor fuel tax funds for use in road districts.

25 Payment of motor fuel tax moneys to municipalities and  
26 counties shall be made as soon as possible after the allotment

1 is made. The treasurer of the municipality or county may invest  
2 these funds until their use is required and the interest earned  
3 by these investments shall be limited to the same uses as the  
4 principal funds.

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

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