



Sen. Napoleon Harris, III

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10100SB0177sam001

LRB101 06086 HLH 57749 a

1 AMENDMENT TO SENATE BILL 177

2 AMENDMENT NO. _____. Amend Senate Bill 177 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. 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

1 programs.

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

4 (35 ILCS 505/8) (from Ch. 120, par. 424)

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

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

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

21 (c) \$3,500,000 shall be transferred each month to the Grade
22 Crossing Protection Fund to be used as follows: not less than
23 \$12,000,000 each fiscal year shall be used for the construction
24 or reconstruction of rail highway grade separation structures;

1 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in
2 fiscal year 2010 and each fiscal year thereafter shall be
3 transferred to the Transportation Regulatory Fund and shall be
4 accounted for as part of the rail carrier portion of such funds
5 and shall be used to pay the cost of administration of the
6 Illinois Commerce Commission's railroad safety program in
7 connection with its duties under subsection (3) of Section
8 18c-7401 of the Illinois Vehicle Code, with the remainder to be
9 used by the Department of Transportation upon order of the
10 Illinois Commerce Commission, to pay that part of the cost
11 apportioned by such Commission to the State to cover the
12 interest of the public in the use of highways, roads, streets,
13 or pedestrian walkways in the county highway system, township
14 and district road system, or municipal street system as defined
15 in the Illinois Highway Code, as the same may from time to time
16 be amended, for separation of grades, for installation,
17 construction or reconstruction of crossing protection or
18 reconstruction, alteration, relocation including construction
19 or improvement of any existing highway necessary for access to
20 property or improvement of any grade crossing and grade
21 crossing surface including the necessary highway approaches
22 thereto of any railroad across the highway or public road, or
23 for the installation, construction, reconstruction, or
24 maintenance of a pedestrian walkway over or under a railroad
25 right-of-way, as provided for in and in accordance with Section
26 18c-7401 of the Illinois Vehicle Code. The Commission may order

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

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

4 (1) the costs of the Department of Revenue in
5 administering this Act;

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

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

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

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

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

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

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

21 (1) Until January 1, 2000, 58.4%, and beginning January
22 1, 2000, 45.6% shall be deposited as follows:

23 (A) 37% into the State Construction Account Fund,
24 and

25 (B) 63% into the Road Fund, \$1,250,000 of which
26 shall be reserved each month for the Department of

1 Transportation to be used in accordance with the
2 provisions of Sections 6-901 through 6-906 of the
3 Illinois Highway Code;

4 (2) Until January 1, 2000, 41.6%, and beginning January
5 1, 2000, 54.4% shall be transferred to the Department of
6 Transportation to be distributed as follows:

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

8 (B) 16.74% to the counties of the State having
9 1,000,000 or more inhabitants,

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

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

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

1 determined by the last Federal census preceding any
2 apportionment, the apportionment to such municipality shall be
3 in accordance with any census taken by such municipality. Any
4 municipal census used in accordance with this Section shall be
5 certified to the Department of Transportation by the clerk of
6 such municipality, and the accuracy thereof shall be subject to
7 approval of the Department which may make such corrections as
8 it ascertains to be necessary.

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

24 As soon as may be after the first day of each month, the
25 Department of Transportation shall allot to the several
26 counties their share of the amount apportioned for the use of

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

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

20 Notwithstanding any other provision of law, for each fiscal
21 year beginning on or after July 1, 2021, if a municipality,
22 county, or road district received a distribution under this
23 Section totaling more than \$1,000,000 in the previous fiscal
24 year, then, in order to receive a distribution for the current
25 fiscal year, that municipality, county, or road district must
26 certify to the Department of Transportation that it has

1 established a minority-owned, women-owned, and veteran-owned
2 business enterprise program consistent with the rules and
3 regulations of the Department of Central Management Services
4 Business Enterprise Program in all local procurement of all
5 contracts. The municipality, county, or road district shall
6 accept vendor certification from the State of Illinois, the
7 County of Cook, and the City of Chicago for minority-owned,
8 women-owned or veteran-owned businesses. The Department of
9 Transportation shall prepare a list of all affected
10 municipalities, counties, and road districts that received a
11 distribution of more than \$1,000,000 in the last fiscal year
12 and shall publish the list on its website. The Department of
13 Central Management Services shall prepare and conduct all
14 necessary studies, including an availability analysis and a
15 disparity study for all affected municipalities, counties, and
16 road districts, and shall use all existing studies as much as
17 possible. The Department of Central Management Services shall
18 maximize economies of scale in these studies where local
19 governments draw from the same pool of vendors. If the study
20 does not support the establishment of a business enterprise
21 program for any local municipality, county, or road district,
22 the requirements of this Section shall not apply to that local
23 municipality, county, or road district. The Department of
24 Transportation and the Illinois Toll Highway Authority shall
25 provide all data on their studies related to their business
26 enterprise programs to the Department of Central Management

1 Services to assist the Department of Central Management
2 Services in the completion of the study.

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

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

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

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

1 tax at a rate sufficient to entitle it to a motor fuel tax
2 allotment and continues to levy the maximum allowable amount
3 after the imposition of the property tax extension limitation.
4 Any road district may in all circumstances retain its
5 entitlement to a motor fuel tax allotment or, beginning in
6 2011, its entitlement to a full allotment if it levied a road
7 and bridge tax in an amount that will require the extension of
8 the tax against the taxable property in the road district at a
9 rate of not less than 0.08% of the assessed value of the
10 property, based upon the assessment for the year immediately
11 preceding the year in which the 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.

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

26 Payment of motor fuel tax moneys to municipalities and

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

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

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