



Sen. John M. Sullivan

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1 AMENDMENT TO SENATE BILL 2288

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2288 as follows:

3 on page 1, by replacing lines 7 and 8 with the following:

4 "Sections 5.710, 5.711, 5.712, 5.713, 5.714, 5.715, 6z-76,  
5 6z-77, 6z-78, and 6z-79 and by changing Section 8.3 as  
6 follows:"; and

7 on page 1, immediately below line 19, by inserting the  
8 following:

9 "(30 ILCS 105/5.715 new)

10 Sec. 5.715. The SOS/ISP Fund."; and

11 on page 14, immediately below line 6, by inserting the  
12 following:

1           "(30 ILCS 105/6z-79 new)

2           Sec. 6z-79. The SOS/ISP Fund.

3           (a) The SOS/ISP Fund is created as a special fund in the  
4 State treasury. Moneys in the Fund may be used only for the  
5 purposes set forth in this Section. The SOS/ISP Fund is not  
6 subject to sweeps, administrative charges or charge backs, such  
7 as but not limited to those authorized under Section 8h, or any  
8 other fiscal or budgetary maneuver that would in any way  
9 transfer any funds from the SOS/ISP Fund into any other fund of  
10 the State.

11           (b) On the first day of each month, or as soon thereafter  
12 as possible, beginning on July 1, 2008, the Comptroller shall  
13 order and the Treasurer shall transfer from the General Revenue  
14 Fund to the SOS/ISP Fund one-twelfth of \$136,600,000 together  
15 with the amount of any deficiency in such transfers for  
16 previous months.

17           (c) Moneys in the SOS/ISP Fund shall be appropriated by the  
18 General Assembly as follows: 22.3% to the Secretary of State  
19 and 77.7% to the Department of State Police.

20           (d) Moneys appropriated from the SOS/ISP Fund to the  
21 Secretary of State and the Department of State Police must be  
22 expended by each for the same purposes and subject to the same  
23 limitations as set forth in Section 8.3 of this Act for  
24 appropriations from the Road Fund for fiscal year 2008.

25           (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

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

9           first -- to pay the cost of administration of Chapters  
10           2 through 10 of the Illinois Vehicle Code, except the cost  
11           of administration of Articles I and II of Chapter 3 of that  
12           Code; and

13           secondly -- for expenses of the Department of  
14           Transportation for construction, reconstruction,  
15           improvement, repair, maintenance, operation, and  
16           administration of highways in accordance with the  
17           provisions of laws relating thereto, or for any purpose  
18           related or incident to and connected therewith, including  
19           the separation of grades of those highways with railroads  
20           and with highways and including the payment of awards made  
21           by the Illinois Workers' Compensation Commission under the  
22           terms of the Workers' Compensation Act or Workers'  
23           Occupational Diseases Act for injury or death of an  
24           employee of the Division of Highways in the Department of  
25           Transportation; or for the acquisition of land and the  
26           erection of buildings for highway purposes, including the

1 acquisition of highway right-of-way or for investigations  
2 to determine the reasonably anticipated future highway  
3 needs; or for making of surveys, plans, specifications and  
4 estimates for and in the construction and maintenance of  
5 flight strips and of highways necessary to provide access  
6 to military and naval reservations, to defense industries  
7 and defense-industry sites, and to the sources of raw  
8 materials and for replacing existing highways and highway  
9 connections shut off from general public use at military  
10 and naval reservations and defense-industry sites, or for  
11 the purchase of right-of-way, except that the State shall  
12 be reimbursed in full for any expense incurred in building  
13 the flight strips; or for the operating and maintaining of  
14 highway garages; or for patrolling and policing the public  
15 highways and conserving the peace; or for the operating  
16 expenses of the Department relating to the administration  
17 of public transportation programs; or for any of those  
18 purposes or any other purpose that may be provided by law.

19 Appropriations for any of those purposes are payable from  
20 the Road Fund. Appropriations may also be made from the Road  
21 Fund for the administrative expenses of any State agency that  
22 are related to motor vehicles or arise from the use of motor  
23 vehicles.

24 Beginning with fiscal year 1980 and thereafter, no Road  
25 Fund monies shall be appropriated to the following Departments  
26 or agencies of State government for administration, grants, or

1 operations; but this limitation is not a restriction upon  
2 appropriating for those purposes any Road Fund monies that are  
3 eligible for federal reimbursement;

4 1. Department of Public Health;

5 2. Department of Transportation, only with respect to  
6 subsidies for one-half fare Student Transportation and  
7 Reduced Fare for Elderly;

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

11 4. Judicial Systems and Agencies.

12 Beginning with fiscal year 1981 and thereafter, no Road  
13 Fund monies shall be appropriated to the following Departments  
14 or agencies of State government for administration, grants, or  
15 operations; but this limitation is not a restriction upon  
16 appropriating for those purposes any Road Fund monies that are  
17 eligible for federal reimbursement:

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

20 2. Department of Transportation, only with respect to  
21 Intercity Rail Subsidies and Rail Freight Services.

22 Beginning with fiscal year 1982 and thereafter, no Road  
23 Fund monies shall be appropriated to the following Departments  
24 or agencies of State government for administration, grants, or  
25 operations; but this limitation is not a restriction upon  
26 appropriating for those purposes any Road Fund monies that are

1 eligible for federal reimbursement: Department of Central  
2 Management Services, except for awards made by the Illinois  
3 Workers' Compensation Commission under the terms of the  
4 Workers' Compensation Act or Workers' Occupational Diseases  
5 Act for injury or death of an employee of the Division of  
6 Highways in the Department of Transportation.

7 Beginning with fiscal year 1984 and thereafter, no Road  
8 Fund monies shall be appropriated to the following Departments  
9 or agencies of State government for administration, grants, or  
10 operations; but this limitation is not a restriction upon  
11 appropriating for those purposes any Road Fund monies that are  
12 eligible for federal reimbursement:

13 1. Department of State Police, except not more than 40%  
14 of the funds appropriated for the Division of Operations;

15 2. State Officers.

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

26 Money in the Road Fund shall, if and when the State of

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

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

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

1 supervision of the State, political subdivision, or  
2 municipality collecting those monies, and the costs for  
3 patrolling and policing the public highways (by State,  
4 political subdivision, or municipality collecting that  
5 money) for enforcement of traffic laws. The separation of  
6 grades of such highways with railroads and costs associated  
7 with protection of at-grade highway and railroad crossing  
8 shall also be permissible.

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

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

1 on appropriations by governmental reorganization or other  
2 methods unless otherwise provided in Section 5g of this Act.

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

10 ~~For Beginning with~~ fiscal years ~~year~~ 1995 through 1999 ~~and~~  
11 ~~thereafter~~, no Road Fund monies shall be appropriated to the  
12 Secretary of State for the purposes of this Section in excess  
13 of the total fiscal year 1994 Road Fund appropriations to the  
14 Secretary of State for those purposes. It shall not be lawful  
15 to circumvent this limitation on appropriations by  
16 governmental reorganization or other methods.

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

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

1           Fiscal Year 2006           \$130,500,000;  
2           Fiscal Year 2007           \$130,500,000  
3           Fiscal Year 2008           \$130,500,000  
4           Fiscal Year 2009  
5           and each  
6           year thereafter           \$0 ~~\$30,500,000~~.

7           It shall not be lawful to circumvent this limitation on  
8           appropriations by governmental reorganization or other  
9           methods.

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

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

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

25          The additional amounts authorized for expenditure by the  
26          Secretary of State and the Department of State Police in this

1 Section by this amendatory Act of the 94th General Assembly  
2 shall be repaid to the Road Fund from the General Revenue Fund  
3 in the next succeeding fiscal year that the General Revenue  
4 Fund has a positive budgetary balance, as determined by  
5 generally accepted accounting principles applicable to  
6 government.

7 (Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-707,  
8 eff. 1-11-08.)".