



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5050

Introduced 1/27/2022, by Rep. Fred Crespo

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/8.3

from Ch. 127, par. 144.3

30 ILCS 105/8.3a new

Amends the State Finance Act. Provides that moneys in the Road Fund may be allocated to and used by the Illinois State Police for the purposes of the Division of Patrol Operations and to fund the patrolling of Illinois public highways and expressways by the Illinois State Police. Makes conforming and other changes.

LRB102 25452 RJF 34738 b

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 and by adding Section 8.3a 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 to pay the costs of the Executive Ethics  
19 Commission for oversight and administration of the Chief  
20 Procurement Officer appointed under paragraph (2) of  
21 subsection (a) of Section 10-20 of the Illinois  
22 Procurement Code for transportation; and

23 secondly -- for expenses of the Department of

1           Transportation       for       construction,       reconstruction,  
2           improvement,       repair,       maintenance,       operation,       and  
3           administration       of       highways       in       accordance       with       the  
4           provisions       of       laws       relating       thereto,       or       for       any       purpose  
5           related       or       incident       to       and       connected       therewith,       including  
6           the       separation       of       grades       of       those       highways       with       railroads  
7           and       with       highways       and       including       the       payment       of       awards       made  
8           by       the       Illinois       Workers'       Compensation       Commission       under       the  
9           terms       of       the       Workers'       Compensation       Act       or       Workers'  
10          Occupational       Diseases       Act       for       injury       or       death       of       an  
11          employee       of       the       Division       of       Highways       in       the       Department       of  
12          Transportation;       or       for       the       acquisition       of       land       and       the  
13          erection       of       buildings       for       highway       purposes,       including       the  
14          acquisition       of       highway       right-of-way       or       for       investigations  
15          to       determine       the       reasonably       anticipated       future       highway  
16          needs;       or       for       making       of       surveys,       plans,       specifications       and  
17          estimates       for       and       in       the       construction       and       maintenance       of  
18          flight       strips       and       of       highways       necessary       to       provide       access  
19          to       military       and       naval       reservations,       to       defense       industries  
20          and       defense-industry       sites,       and       to       the       sources       of       raw  
21          materials       and       for       replacing       existing       highways       and       highway  
22          connections       shut       off       from       general       public       use       at       military  
23          and       naval       reservations       and       defense-industry       sites,       or       for  
24          the       purchase       of       right-of-way,       except       that       the       State       shall  
25          be       reimbursed       in       full       for       any       expense       incurred       in       building  
26          the       flight       strips;       or       for       the       operating       and       maintaining       of

1 highway garages; or for patrolling and policing the public  
2 highways and conserving the peace; or for the operating  
3 expenses of the Department relating to the administration  
4 of public transportation programs; or, during fiscal year  
5 2021 only, for the purposes of a grant not to exceed  
6 \$8,394,800 to the Regional Transportation Authority on  
7 behalf of PACE for the purpose of ADA/Para-transit  
8 expenses; or, during fiscal year 2022 only, for the  
9 purposes of a grant not to exceed \$8,394,800 to the  
10 Regional Transportation Authority on behalf of PACE for  
11 the purpose of ADA/Para-transit expenses; or for any of  
12 those purposes or any other purpose that may be provided  
13 by law.

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

19 Beginning with fiscal year 1980 and thereafter, no Road  
20 Fund monies shall be appropriated to the following Departments  
21 or agencies of State government for administration, grants, or  
22 operations; but this limitation is not a restriction upon  
23 appropriating for those purposes any Road Fund monies that are  
24 eligible for federal reimbursement:

- 25 1. Department of Public Health;
- 26 2. Department of Transportation, only with respect to

1 subsidies for one-half fare Student Transportation and  
2 Reduced Fare for Elderly, except fiscal year 2021 only  
3 when no more than \$17,570,000 may be expended and except  
4 fiscal year 2022 only when no more than \$17,570,000 may be  
5 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. Illinois State Police, except for expenditures with  
17 respect to the Division of Patrol Operations and Division  
18 of Criminal Investigation;

19 2. Department of Transportation, only with respect to  
20 Intercity Rail Subsidies, except fiscal year 2021 only  
21 when no more than \$50,000,000 may be expended and except  
22 fiscal year 2022 only when no more than \$50,000,000 may be  
23 expended, and Rail Freight Services.

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

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

15 1. Illinois State Police, except for expenditures with  
16 respect to ~~not more than 40% of the funds appropriated for~~  
17 the Division of Patrol Operations and Division of Criminal  
18 Investigation;

19 2. State Officers.

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

1 limitations by governmental reorganization or other methods.  
2 Appropriations shall be made from the Road Fund only in  
3 accordance with the provisions of this Section.

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

13 first -- to pay the cost of administration of Chapters  
14 2 through 10 of the Illinois Vehicle Code; and

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

1 reconstruction of public highways and bridges, acquisition  
2 of rights-of-way for and the cost of construction,  
3 reconstruction, maintenance, repair, and operation of  
4 public highways and bridges under the direction and  
5 supervision of the State, political subdivision, or  
6 municipality collecting those monies, or during fiscal  
7 year 2021 only for the purposes of a grant not to exceed  
8 \$8,394,800 to the Regional Transportation Authority on  
9 behalf of PACE for the purpose of ADA/Para-transit  
10 expenses, or during fiscal year 2022 only for the purposes  
11 of a grant not to exceed \$8,394,800 to the Regional  
12 Transportation Authority on behalf of PACE for the purpose  
13 of ADA/Para-transit expenses, and the costs for patrolling  
14 and policing the public highways (by the State, political  
15 subdivision, or municipality collecting that money) for  
16 enforcement of traffic laws. The separation of grades of  
17 such highways with railroads and costs associated with  
18 protection of at-grade highway and railroad crossing shall  
19 also be permissible.

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

23 Except as provided in this paragraph, beginning with  
24 fiscal year 1991 and thereafter, no Road Fund monies shall be  
25 appropriated to the Illinois State Police for the purposes of  
26 this Section in excess of its total fiscal year 1990 Road Fund



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

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

23 Beginning with fiscal year 1995 and thereafter, no Road  
24 Fund monies shall be appropriated to the Secretary of State  
25 for the purposes of this Section in excess of the total fiscal  
26 year 1994 Road Fund appropriations to the Secretary of State

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

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

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

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

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

25 It shall not be lawful to circumvent this limitation on  
26 appropriations by governmental reorganization or other

1 methods.

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

6 Nothing in this Section prohibits transfers from the Road  
7 Fund to the State Construction Account Fund under Section 5e  
8 of this Act; nor to the General Revenue Fund, as authorized by  
9 Public Act 93-25.

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

17 The additional amounts authorized for expenditure by the  
18 Secretary of State and the Illinois ~~Department of~~ State Police  
19 in this Section by Public Act 94-91 shall be repaid to the Road  
20 Fund from the General Revenue Fund in the next succeeding  
21 fiscal year that the General Revenue Fund has a positive  
22 budgetary balance, as determined by generally accepted  
23 accounting principles applicable to government.

24 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;  
25 102-16, eff. 6-17-21; 102-538, eff. 8-20-21; revised  
26 10-15-21.)

1 (30 ILCS 105/8.3a new)

2 Sec. 8.3a. State Police patrol funding. Notwithstanding  
3 any provision of law to the contrary, moneys in the Road Fund  
4 may be allocated to and used by the Illinois State Police for  
5 the purposes of the Division of Patrol Operations and to fund  
6 the patrolling of Illinois public highways and expressways by  
7 the Illinois State Police.