



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3692

Introduced 2/17/2023, 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.

LRB103 27646 DTM 54022 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 2022, for the purposes of a grant not to exceed \$8,394,800
6 to the Regional Transportation Authority on behalf of PACE
7 for the purpose of ADA/Para-transit expenses; or, during
8 fiscal year 2023, for the purposes of a grant not to exceed
9 \$8,394,800 to the Regional Transportation Authority on
10 behalf of PACE for the purpose of ADA/Para-transit
11 expenses; or for any of those purposes or any other
12 purpose that may be provided by law.

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

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

- 24 1. Department of Public Health;
- 25 2. Department of Transportation, only with respect to
26 subsidies for one-half fare Student Transportation and

1 Reduced Fare for Elderly, except fiscal year 2022 when no
2 more than \$17,570,000 may be expended and except fiscal
3 year 2023 when no more than \$17,570,000 may be expended;

4 3. Department of Central Management Services, except
5 for expenditures incurred for group insurance premiums of
6 appropriate personnel;

7 4. Judicial Systems and Agencies.

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

14 1. Illinois State Police, except for expenditures with
15 respect to the Division of Patrol Operations and Division
16 of Criminal Investigation;

17 2. Department of Transportation, only with respect to
18 Intercity Rail Subsidies, except fiscal year 2022 when no
19 more than \$50,000,000 may be expended and except fiscal
20 year 2023 when no more than \$55,000,000 may be expended,
21 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. Illinois State Police, except for expenditures with
14 respect to not more than 40% of the funds appropriated for
15 the Division of Patrol Operations and Division of Criminal
16 Investigation;

17 2. State Officers.

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

1 accordance with the provisions of this Section.

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

11 first -- to pay the cost of administration of Chapters
12 2 through 10 of the Illinois Vehicle Code; and

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

1 reconstruction, maintenance, repair, and operation of
2 public highways and bridges under the direction and
3 supervision of the State, political subdivision, or
4 municipality collecting those monies, or during fiscal
5 year 2022 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 2023 for the purposes of a
9 grant not to exceed \$8,394,800 to the Regional
10 Transportation Authority on behalf of PACE for the purpose
11 of ADA/Para-transit expenses, and the costs for patrolling
12 and policing the public highways (by the State, political
13 subdivision, or municipality collecting that money) for
14 enforcement of traffic laws. The separation of grades of
15 such highways with railroads and costs associated with
16 protection of at-grade highway and railroad crossing shall
17 also be permissible.

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

21 Except as provided in this paragraph, beginning with
22 fiscal year 1991 and thereafter, no Road Fund monies shall be
23 appropriated to the Illinois State Police for the purposes of
24 this Section in excess of its total fiscal year 1990 Road Fund
25 appropriations for those purposes unless otherwise provided in
26 Section 5g of this Act. For fiscal years 2003, 2004, 2005,

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

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

21 Beginning with fiscal year 1995 and thereafter, no Road
22 Fund monies shall be appropriated to the Secretary of State
23 for the purposes of this Section in excess of the total fiscal
24 year 1994 Road Fund appropriations to the Secretary of State
25 for those purposes. It shall not be lawful to circumvent this
26 limitation on appropriations by governmental reorganization or

1 other methods.

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

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

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

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

23 It shall not be lawful to circumvent this limitation on
24 appropriations by governmental reorganization or other
25 methods.

26 No new program may be initiated in fiscal year 1991 and

1 thereafter that is not consistent with the limitations imposed
2 by this Section for fiscal year 1984 and thereafter, insofar
3 as appropriation of Road Fund monies is concerned.

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

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

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

22 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20;
23 102-16, eff. 6-17-21; 102-538, eff. 8-20-21; 102-699, eff.
24 4-19-22; 102-813, eff. 5-13-22.)

25 (30 ILCS 105/8.3a new)

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