



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3487

Introduced 02/23/05, by Rep. Robert W. Pritchard - Roger Jenisch - Michael Tryon - David R. Leitch - Sidney H. Mathias, et al.

SYNOPSIS AS INTRODUCED:

25 ILCS 155/5.1 new
30 ILCS 105/8.3

from Ch. 127, par. 144.3

Amends the Commission on Government Forecasting and Accountability Act. Directs the Commission to annually report to the General Assembly on certain diversions from the Road Fund. Amends the State Finance Act. Requires repayment from the General Revenue Fund to the Road Fund of 105% of certain identified diversions in the next fiscal year. Effective July 1, 2005.

LRB094 09705 EFG 39961 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning State finance.

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

4 Section 5. The Commission on Government Forecasting and
5 Accountability Act is amended by adding Section 5.1 as follows:

6 (25 ILCS 155/5.1 new)

7 Sec. 5.1. Report on Road Fund diversions.

8 (a) The Commission shall annually review and calculate the
9 amount of all diversions from the Road Fund applicable to the
10 then current State fiscal year, including without limitation
11 diversions made pursuant to Section 5e, 8.3, 8.42, or 8h of the
12 State Finance Act or any other provision of law.

13 As part of its review, the Commission shall:

14 (1) classify those diversions into the following 2
15 classes: (A) diversions authorized by laws taking effect
16 before January 1, 2003, and (B) diversions authorized by
17 laws taking effect on or after January 1, 2003; and

18 (2) identify the total amount of diversions authorized
19 by laws taking effect on or after January 1, 2003 that have
20 not yet been repaid to the Road Fund under subsection (l)
21 or (m) of Section 8.3 of the State Finance Act.

22 (b) The Commission shall report its results to the General
23 Assembly and the State Comptroller by April 1 of each year.

24 (c) For the purposes of this Section, "diversions" does not
25 include amounts appropriated or transferred from the Road Fund
26 (1) for the purpose of paying the principal and interest on
27 bonded indebtedness under the Transportation Bond Act, (2) for
28 the construction or maintenance of roads, highways, or bridges,
29 or (3) for any other purpose determined by the Commission to be
30 consistent with the original purposes of the Road Fund.

31 Section 10. The State Finance Act is amended by changing

1 Section 8.3 as follows:

2 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

3 Sec. 8.3. The Road Fund.

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

12 first -- to pay the cost of administration of Chapters
13 2 through 10 of the Illinois Vehicle Code, except the cost
14 of administration of Articles I and II of Chapter 3 of that
15 Code; and

16 secondly -- for expenses of the Department of
17 Transportation for construction, reconstruction,
18 improvement, repair, maintenance, operation, and
19 administration of highways in accordance with the
20 provisions of laws relating thereto, or for any purpose
21 related or incident to and connected therewith, including
22 the separation of grades of those highways with railroads
23 and with highways and including the payment of awards made
24 by the Illinois Workers' Compensation Commission under the
25 terms of the Workers' Compensation Act or Workers'
26 Occupational Diseases Act for injury or death of an
27 employee of the Division of Highways in the Department of
28 Transportation; or for the acquisition of land and the
29 erection of buildings for highway purposes, including the
30 acquisition of highway right-of-way or for investigations
31 to determine the reasonably anticipated future highway
32 needs; or for making of surveys, plans, specifications and
33 estimates for and in the construction and maintenance of
34 flight strips and of highways necessary to provide access
35 to military and naval reservations, to defense industries

1 and defense-industry sites, and to the sources of raw
2 materials and for replacing existing highways and highway
3 connections shut off from general public use at military
4 and naval reservations and defense-industry sites, or for
5 the purchase of right-of-way, except that the State shall
6 be reimbursed in full for any expense incurred in building
7 the flight strips; or for the operating and maintaining of
8 highway garages; or for patrolling and policing the public
9 highways and conserving the peace; or for the operating
10 expenses of the Department relating to the administration
11 of public transportation programs; or for any of those
12 purposes or any other 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 (b) 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
27 Reduced Fare for Elderly;

28 3. Department of Central Management Services, except
29 for expenditures incurred for group insurance premiums of
30 appropriate personnel;

31 4. Judicial Systems and Agencies.

32 (c) Beginning with fiscal year 1981 and thereafter, no Road
33 Fund monies shall be appropriated to the following Departments
34 or agencies of State government for administration, grants, or
35 operations; but this limitation is not a restriction upon
36 appropriating for those purposes any Road Fund monies that are

1 eligible for federal reimbursement:

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

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

6 (d) Beginning with fiscal year 1982 and thereafter, no Road
7 Fund monies shall be appropriated to the following Departments
8 or agencies of State government for administration, grants, or
9 operations; but this limitation is not a restriction upon
10 appropriating for those purposes any Road Fund monies that are
11 eligible for federal reimbursement: Department of Central
12 Management Services, except for awards made by the Illinois
13 Workers' Compensation Commission under the terms of the
14 Workers' Compensation Act or Workers' Occupational Diseases
15 Act for injury or death of an employee of the Division of
16 Highways in the Department of Transportation.

17 (e) Beginning with fiscal year 1984 and thereafter, no Road
18 Fund monies shall be appropriated to the following Departments
19 or agencies of State government for administration, grants, or
20 operations; but this limitation is not a restriction upon
21 appropriating for those purposes any Road Fund monies that are
22 eligible for federal reimbursement:

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

25 2. State Officers.

26 (f) Beginning with fiscal year 1984 and thereafter, no Road
27 Fund monies shall be appropriated to any Department or agency
28 of State government for administration, grants, or operations
29 except as provided hereafter; but this limitation is not a
30 restriction upon appropriating for those purposes any Road Fund
31 monies that are eligible for federal reimbursement. It shall
32 not be lawful to circumvent the above appropriation limitations
33 by governmental reorganization or other methods.
34 Appropriations shall be made from the Road Fund only in
35 accordance with the provisions of this Section.

36 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
27 supervision of the State, political subdivision, or
28 municipality collecting those monies, and the costs for
29 patrolling and policing the public highways (by State,
30 political subdivision, or municipality collecting that
31 money) for enforcement of traffic laws. The separation of
32 grades of such highways with railroads and costs associated
33 with protection of at-grade highway and railroad crossing
34 shall also be permissible.

35 Appropriations for any of such purposes are payable from
36 the Road Fund or the Grade Crossing Protection Fund as provided

1 in Section 8 of the Motor Fuel Tax Law.

2 (g) Except as provided in this paragraph, beginning with
3 fiscal year 1991 and thereafter, no Road Fund monies shall be
4 appropriated to the Department of State Police for the purposes
5 of this Section in excess of its total fiscal year 1990 Road
6 Fund appropriations for those purposes unless otherwise
7 provided in Section 5g of this Act. For fiscal years 2003,
8 2004, and 2005 only, no Road Fund monies shall be appropriated
9 to the Department of State Police for the purposes of this
10 Section in excess of \$97,310,000. It shall not be lawful to
11 circumvent this limitation on appropriations by governmental
12 reorganization or other methods unless otherwise provided in
13 Section 5g of this Act.

14 (h) In fiscal year 1994, no Road Fund monies shall be
15 appropriated to the Secretary of State for the purposes of this
16 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 (i) Beginning with fiscal year 1995 and thereafter, no Road
22 Fund monies shall be appropriated to the Secretary of State for
23 the purposes of this Section in excess of the total fiscal year
24 1994 Road Fund appropriations to the Secretary of State for
25 those purposes. It shall not be lawful to circumvent this
26 limitation on appropriations by governmental reorganization or
27 other methods.

28 (j) Beginning with fiscal year 2000, total Road Fund
29 appropriations to the Secretary of State for the purposes of
30 this Section shall not exceed the amounts specified for the
31 following fiscal years:

32	Fiscal Year 2000	\$80,500,000;
33	Fiscal Year 2001	\$80,500,000;
34	Fiscal Year 2002	\$80,500,000;
35	Fiscal Year 2003	\$130,500,000;
36	Fiscal Year 2004	\$130,500,000;

1 under Section 5.1 of the Commission on Government Forecasting
2 and Accountability Act for the previous fiscal year as the
3 amount of diversions authorized by laws taking effect on or
4 after January 1, 2003 that have not yet been repaid, plus (2)
5 an additional amount equal to 5% of the amount specified in
6 item (1), representing imputed earnings on the amounts
7 diverted.

8 (Source: P.A. 92-600, eff. 6-28-02; 93-25, eff. 6-20-03;
9 93-721, eff. 1-1-05; 93-839, eff. 7-30-04; revised 10-25-04.)

10 Section 99. Effective date. This Act takes effect July 1,
11 2005.