



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5945

by Rep. Jil Tracy - Aaron Schock - David Reis

SYNOPSIS AS INTRODUCED:

30 ILCS 105/8.3

from Ch. 127, par. 144.3

Amends the State Finance Act. Decreases the total amount of Road Fund appropriations to the Secretary of State for Fiscal Years 2009 through 2011. Beginning with fiscal year 2009, prohibits Road Fund moneys from being appropriated to the Department of Central Management Services, the Department of Employment Security, the Department of Revenue, the Court of Claims, or any other State agency (other than the Department of State Police and the Department of Transportation and, until fiscal year 2011, the Secretary of State) for the purposes of the provisions concerning appropriations from the Road Fund. Provides that beginning with fiscal year 2011, no Road Fund moneys may be appropriated to the Secretary of State. Provides that appropriations to those entities for those purposes shall be made from the General Revenue Fund. Provides that the Department of State Police may continue to receive appropriations from the Road Fund for the highway patrol budget only. Effective immediately.

LRB095 17081 BDD 43134 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning finances.

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 Section 8h, as added by Public Act 93-32, as
6 follows:

7 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

8 Sec. 8.3. Money in the Road Fund shall, if and when the
9 State of Illinois incurs any bonded indebtedness for the
10 construction of permanent highways, be set aside and used for
11 the purpose of paying and discharging annually the principal
12 and interest on that bonded indebtedness then due and payable,
13 and for no other purpose. The surplus, if any, in the Road Fund
14 after the payment of principal and interest on that bonded
15 indebtedness then annually due shall be used as follows:

16 first -- to pay the cost of administration of Chapters
17 2 through 10 of the Illinois Vehicle Code, except the cost
18 of administration of Articles I and II of Chapter 3 of that
19 Code; and

20 secondly -- for expenses of the Department of
21 Transportation for construction, reconstruction,
22 improvement, repair, maintenance, operation, and
23 administration of highways in accordance with the

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

1 of public transportation programs; or for any of those
2 purposes or any other purpose that may be provided by law.

3 Appropriations for any of those purposes are payable from
4 the Road Fund. Appropriations may also be made from the Road
5 Fund for the administrative expenses of any State agency that
6 are related to motor vehicles or arise from the use of motor
7 vehicles.

8 Beginning with fiscal year 1980 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. Department of Public Health;

15 2. Department of Transportation, only with respect to
16 subsidies for one-half fare Student Transportation and
17 Reduced Fare for Elderly;

18 3. Department of Central Management Services, except
19 for expenditures incurred for group insurance premiums of
20 appropriate personnel;

21 4. Judicial Systems and Agencies.

22 Beginning with fiscal year 1981 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:

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 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 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 Beginning with fiscal year 1984 and thereafter, no Road

1 Fund monies shall be appropriated to any Department or agency
2 of State government for administration, grants, or operations
3 except as provided hereafter; but this limitation is not a
4 restriction upon appropriating for those purposes any Road Fund
5 monies that are eligible for federal reimbursement. It shall
6 not be lawful to circumvent the above appropriation limitations
7 by governmental reorganization or other methods.
8 Appropriations shall be made from the Road Fund only in
9 accordance with the provisions of this Section.

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

19 first -- to pay the cost of administration of Chapters
20 2 through 10 of the Illinois Vehicle Code; and

21 secondly -- no Road Fund monies derived from fees,
22 excises, or license taxes relating to registration,
23 operation and use of vehicles on public highways or to
24 fuels used for the propulsion of those vehicles, shall be
25 appropriated or expended other than for costs of
26 administering the laws imposing those fees, excises, and

1 license taxes, statutory refunds and adjustments allowed
2 thereunder, administrative costs of the Department of
3 Transportation, including, but not limited to, the
4 operating expenses of the Department relating to the
5 administration of public transportation programs, payment
6 of debts and liabilities incurred in construction and
7 reconstruction of public highways and bridges, acquisition
8 of rights-of-way for and the cost of construction,
9 reconstruction, maintenance, repair, and operation of
10 public highways and bridges under the direction and
11 supervision of the State, political subdivision, or
12 municipality collecting those monies, and the costs for
13 patrolling and policing the public highways (by State,
14 political subdivision, or municipality collecting that
15 money) for enforcement of traffic laws. The separation of
16 grades of such highways with railroads and costs associated
17 with protection of at-grade highway and railroad crossing
18 shall also be permissible.

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

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

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

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

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

25 Beginning with fiscal year 2000, total Road Fund
26 appropriations to the Secretary of State for the purposes of

1 this Section shall not exceed the amounts specified for the
2 following fiscal years:

| | | |
|----|-------------------------------------|--------------------------|
| 3 | Fiscal Year 2000 | \$80,500,000; |
| 4 | Fiscal Year 2001 | \$80,500,000; |
| 5 | Fiscal Year 2002 | \$80,500,000; |
| 6 | Fiscal Year 2003 | \$130,500,000; |
| 7 | Fiscal Year 2004 | \$130,500,000; |
| 8 | Fiscal Year 2005 | \$130,500,000; |
| 9 | Fiscal Year 2006 | \$130,500,000; |
| 10 | Fiscal Year 2007 | \$130,500,000; |
| 11 | Fiscal Year 2008 | \$130,500,000; |
| 12 | Fiscal Year 2009 | <u>\$20,000,000;</u> |
| 13 | and each year thereafter | \$30,500,000. |
| 14 | <u>Fiscal year 2010</u> | <u>\$20,000,000;</u> |
| 15 | <u>Fiscal year 2011</u> | |
| 16 | <u>and each year thereafter</u> | <u>\$0.</u> |

17 It shall not be lawful to circumvent this limitation on
18 appropriations by governmental reorganization or other
19 methods.

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

24 Nothing in this Section prohibits transfers from the Road
25 Fund to the State Construction Account Fund under Section 5e of
26 this Act; nor to the General Revenue Fund, as authorized by

1 this amendatory Act of the 93rd General Assembly.

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

9 The additional amounts authorized for expenditure by the
10 Secretary of State and the Department of State Police in this
11 Section by this amendatory Act of the 94th General Assembly
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 Beginning with fiscal year 2009 and thereafter, no Road
18 Fund moneys may be appropriated to the Department of Central
19 Management Services, the Department of Employment Security,
20 the Department of Revenue, the Court of Claims, or any other
21 State agency (other than the Department of State Police and the
22 Department of Transportation and, until fiscal year 2011, the
23 Secretary of State) for the purposes of this Section.
24 Appropriations to those entities for those purposes shall,
25 instead, be made from the General Revenue Fund. It shall not be
26 lawful to circumvent this limitation on appropriations by

1 governmental reorganization or other methods. Nothing in this
2 paragraph prohibits appropriations from the Road Fund to the
3 Department of State Police for the purposes of the highway
4 patrol budget only.

5 Beginning with fiscal year 2011 and thereafter, no Road
6 Fund moneys may be appropriated to the Secretary of State for
7 the purposes of this Section. Appropriations to the Secretary
8 of State for those purposes shall, instead, be made from the
9 General Revenue Fund. It shall not be lawful to circumvent this
10 limitation on appropriations by governmental reorganization or
11 other methods.

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.